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Dr. Obama's Waiting Room

As far back as the fall, skeptics were warning that Barack Obama would have to abandon his hope of overhauling American health care. There was no money to fund such a transformation, they said, and no time to pursue it, given the other crises. But Obama never agreed, vowing to make health care a top priority. He's now done exactly that.

The budget outline that Obama just delivered to Congress calls for setting aside $634 billion over ten years in order to subsidize insurance coverage for people struggling to get it on their own. No less important, Obama sketched out the basic principles by which a universal health insurance system must eventually operate—promising things like choice of doctor, protection against financial catastrophe, lower cost growth, and improved patient safety. Obama even set a timetable for his plan: "[L]et there be no doubt," he said. "Health care reform cannot wait, it must not wait, and it will not wait another year."

Whether you measure in terms of dollars or scope, Obama's health care gambit is the most sweeping domestic policy proposal a sitting president has put forth since 1993, when Bill Clinton introduced his own vision of health reform. But the comparison to Clinton's plan is also a reminder of the many things Obama hasn't done or said just yet. Like Obama, Clinton introduced his vision for health care reform during a joint address to Congress. But Clinton did it during a speech devoted to the subject; Obama tucked his message into a budget speech, giving it just a fraction of the time. Clinton gave a detailed framework of his proposal, prefacing the delivery of a 1,300-page bill—a rather more specific blueprint than Obama's reform principles memo, which runs not even a full five pages. And Clinton put forward funding mechanisms that would pay for his entire plan, down to the last dollar. Obama promises that "universality" is his goal, without specifying whether that means making sure everybody has insurance or simply making sure everybody can afford it. In this instance Clinton did no such parsing: If Congress did not deliver him a bill that covered every single American, he vowed, he would veto it—waving a pen in the air in a famously dramatic flair.

Alas, the dramatics would come back to haunt Clinton. His effort to pass a plan failed, dragging down the Democratic congressional majority with it. Nobody knows this better than Obama and his advisers—more than a few of whom were around for that debacle and who, at every turn, have sought to avoid the political mistakes that befell that ill-fated effort. The failure to provide many programmatic details and to fund the entire cost of universal coverage is a bit unnerving, yes. But there are good reasons to think this reflects sound strategic calculation rather than substantive timidity.

Let's start with the holes in Obama's plan. It says nothing about what type of insurance should be available, only that everybody should have a choice of quality plans. Nor does his outline of principles specify that employers must contribute to the cost of insurance, either by providing employees with coverage or paying into a fund that will defray the costs of subsidies and an expanded Medicaid program.

Why not specify these things now, to prod the debate? As tempting as a "hundred days" strategy for health care might have seemed, its prospects for success would have been limited; remember, this is a Congress that took an extra month debating a recovery bill Obama originally wanted on his desk right after his inauguration. This more tentative approach, meanwhile, offers distinct advantages. It deprives opponents of easy targets: The public insurance option, for example, is anathema to many special interests, so why endorse it explicitly—and turn at least some of those groups outwardly hostile—any sooner than necessary? Going slow also gives Obama more opportunities to educate the public—to get the voters comfortable with the basic tenets of his agenda.

None of which is to say that advocates for reform should shy away from voicing concerns—or agitating for more. Obama's refusal to draw lines in the sand may be politically necessary—but it also leaves open the option of abandoning this crusade if it gets tough politically. As the stimulus debate showed, Congress cannot be counted upon to exceed Obama's ambition; and Obama's own ambitions, though considerable, are not always adequate to the occasion. By clamoring loudly and stubbornly for universal health coverage to be enacted now rather than in two or four or ten years, activists for health care reform can broaden the boundaries of political debate. That will ultimately make universal coverage far more likely. By pushing Obama to live up to his own rhetoric, these people will be doing him—and the entire country—a great favor. ◆

David Cowles

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Mad Men

Rick Santelli and the decline of the angry Republican everyman.

JONATHAN CHAIT

Before last week, few of us had ever heard of Rick Santelli—despite Santelli's best efforts—and fewer still had any particular affection for him. Santelli is a CNBC TV personality whose most distinctive assets are a near-continuous state of agitation and a Billy Mays–like ability to project his voice, drowning out other shouting heads with ease. His persona is meant to make you pay attention to him, not to love him. But, in one short outburst last week, Santelli made himself the latest darling of the right.

Santelli was reporting—or shouting, anyway—from the floor of the Chicago Board of Trade when he began to denounce the Obama administration's foreclosure-prevention and economic stimulus plans. Santelli announced that Americans do not want to "subsidize the losers' mortgages," a sentiment to which traders standing nearby, within camera shot, wholeheartedly agreed. Santelli kept going. "These guys are pretty straightforward," he said, gesturing around him, "and my guess is, a pretty good statistical cross-section of America, the silent majority." By the end of his disquisition, Santelli had announced a "Chicago Tea Party" of disgruntled arch-capitalists to be held in July.

The Santelli rant instantly made him a right-wing hero. His video went viral, and Dickensian news aggregator Matt Drudge labeled it "THE RANT HEARD ROUND THE WORLD," featuring it in a screaming all-red headline. White House Press Secretary Robert Gibbs felt obliged to rebut Santelli (while, characteristically, inviting him for coffee). *National Review* online editor Kathryn Jean Lopez raved, "The reaction to Rick Santelli's Chicago-trading-floor incident this morning echoes the emotional reaction my inbox had to Sarah Palin's convention speech this summer."

Lopez called the phenomenon "déjà vu." She's right. As George W. Bush has passed from the scene, figures like Santelli and Palin seem to be arising with increasing frequency. Bush endeared himself to conservatives by projecting the sense that he, and therefore they, represented the authentic America. The 2000 election, which Bush won by a mere negative 0.5 percent of the popular vote, made the task of majoritarian mythmaking a complicated one, and conservatives threw themselves into it with gusto. The endless invocations of coastal elites versus regular folks made it *seem* as if Bush had won a sweeping majority. September 11 and the 2004 elections made it easier to imagine their folksy president as the incarnation of middle America.

The collapse of the Bush presidency, however, left conservatives without a powerful symbol of their connection to the heartland—a void promptly filled by Palin. When her famous Katie Couric interview exposed Palin's unpreparedness, this simply constituted further proof of liberal alienation from real America. "Those Washington elite," Palin remarked, "don't like the idea of just an everyday working-class American running for such an office." It's true, we don't. On the other hand, we don't like the idea of an everyday upper-class American potentially assuming the presidency, either. Our ideal president would know much more about public policy than an everyday American of any social class.

The emergence of Samuel "Joe the Plumber" Wurzelbacher took the premise of Palin's candidacy to the next logical step. He represented a more concentrated form of the same basic type—Plumb and Plumber. In both cases, conservatives held up liberal antagonism toward their chosen working-class hero as evidence of liberal antagonism to their class writ large. In the current issue of *Commentary*, Yuval Levin writes that Palin's critics "see lower-middle-class populists like Palin *and their supporters* [emphasis mine] as profoundly ill-suited for governance, because they lack the accoutrements required for its employment." So now we're snobs unless we accept not only Palin's credentials for national office but *her supporters* as well? That's tens of millions of people.

CNBC's Santelli represents a slight variation on the form. While he has a regional accent, signifying a working-class background, he puts himself forward more as a spokesman for the working class than as a representative member. But he has excited the same basic conservative erogenous zone.

Certainly, any number of commentators have denounced Obama's program in more coherent terms. In a later interview, Santelli demanded that the government help the 92 percent of "responsible" homeowners who don't have trouble paying their mortgage, rather than the "losers" who do. "I think the administration needs to help everybody, so they don't disenfranchise the confidence of the 92 percent. Send everybody a check," he shouted. On the other hand, he denounced the program as unaffordable: "There's a lot of zeroes and trillions of dollars. Aren't you worried about your kids and your grandkids?"

If the government can't afford to help out the 8 percent of strapped homeowners, how can it afford to (let alone why should it) mail a check to the other 92 percent? Santelli did not say. At one point he expressed both, utterly contradictory, notions in consecutive sentences: "Maybe everybody ought to get a check. I think that we need to be more equitable in the money we're spending that we really don't have." We don't have the money to spend, so let's spend more of it. Brilliant.

In a follow-up interview, Santelli described himself as an "Ayn Rander." This certainly explains his distinction between those who "carry the water" and those who "drink the water"—he sees all victims of economic misfortune as inherently parasitic. I'd like to see Republicans try running on *that* philosophy during a recession.

The only thing that separated Santelli's rant from any other similar outburst that could be found on Fox News or talk radio was that it seemed to represent the *vox populi*. Santelli was not previously known as a right-wing ideologue—mainly because he was not known for much of anything—so he came across as a fed-up investor, just as Wurzelbacher initially cast himself as an undecided voter skeptical of progressive taxation. And Santelli was surrounded by *actual people* who dug his message, people he described (absurdly) as a representative sample of American opinion. His rant thus appeared like a genuine expression of popular revolt.

In fact, both Obama and his housing plan remain wildly popular (the latter by a 30-point margin in the latest *Washington Post* poll.) But that popularity is what makes the populist illusion conjured by the Wurzelbachers and the Santellis all the more necessary. ◆

TRB
From Washington

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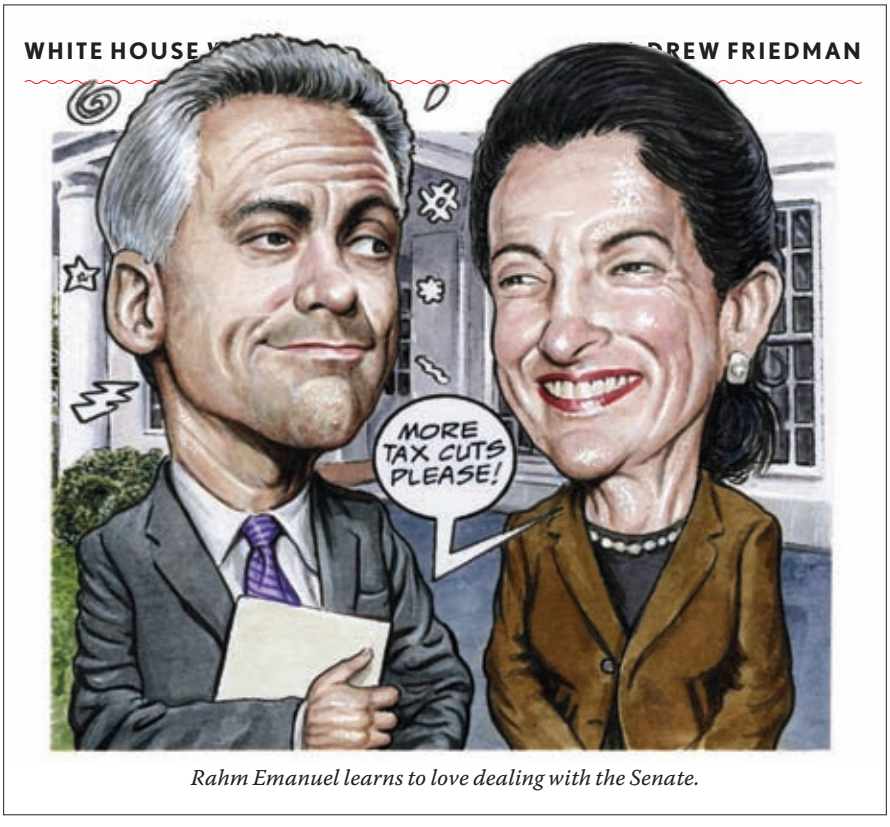
TARP Heels

Can conservatives overturn the bailout in court?

The last few months have been a nightmare for American libertarians, with Congress and the president lining up to pass massive bailouts and stimulus packages—the Leviathan state of their darkest fantasies. But, having failed in the political arena, defenders of small government have begun to regroup and wage their insurgency in the courts. Last month, FreedomWorks, an organization chaired by former Republican House majority leader Dick Armey and founded in 1984 to promote "lower taxes, less government, and more freedom," declared that Congress has unconstitutionally delegated lawmaking power to the president. FreedomWorks plans to file a lawsuit alleging that the Troubled Assets Relief Program (TARP) violates the "non-delegation principle," recognized in cases before the New Deal, which holds that Congress can't delegate legislative authority to the executive branch without "intelligible principles" to guide its discretion.

The FreedomWorks lawsuit on the horizon is hardly the only potential libertarian challenge to TARP, the stimulus bill, and other government bailouts. According to Laurence Tribe of Harvard Law School, there are a number of possible avenues for constitutional challenges to the bailouts, even beyond the excessive delegation challenges that may multiply now that the original plan to buy troubled assets has morphed into a plan to treat auto companies as financial institutions. Tribe predicts that libertarians may claim that TARP violates the constitutional requirement that taxing measures must originate in the House rather than the Senate; question some of the appointment procedures for the Recovery Accountability and Transparency Board (the RAT Board), which is responsible for preventing fraud and abuse; argue that states can't be forced to change their unemployment laws as a condition of accepting bailout funds; and challenge home-foreclosure provisions of the stimulus bill as unconstitutional seizures of property without just compensation.

The libertarian lawsuits seem to vindicate the fears of liberals who have charged that libertarians are determined to resurrect the so-called "Constitution in Exile," invoking constitutional limits of federal power to regulate the economy that have been dormant since the New Deal. But they have also widened a serious rift in the conservative legal movement between two separate strands of conservatism. And the success or the failure of the constitutional lawsuits will make clear which strain is ascendant.



Rahm Emanuel learns to love dealing with the Senate.

Over the last 30 years, the conservative legal movement has been marked by a significant fissure between, on the one hand, libertarian conservatives, represented by think tanks like the Cato Institute, the Institute for Justice, and FreedomWorks; and on the other, pro-business conservatives, represented by the Chamber of Commerce's National Chamber Litigation Center. Despite their shared commitment to free markets and deregulation, the libertarians and the pro-business conservatives have very different goals and strategies. Libertarian conservatives want to limit federal power to protect states' rights; pro-business conservatives are willing to extend federal power to promote the national uniformity that businesses prefer. Libertarian conservatives unapologetically embrace constitutional judicial activism; pro-business conservatives are more interested in using statu-

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tory arguments to check what they call "regulation by litigation."

When it comes to the bailout, the ideological distance between libertarians and pro-business conservatives couldn't be wider. Unlike the libertarians, the Chamber of Commerce isn't ideologically opposed to the economic bailout. In January, the Chamber wrote to Congress that it "strongly supported" the broad outlines of TARP and the stimulus bill, although it has expressed concern about some of the lobbying restrictions on TARP recipients. TARP relies on centralized regulatory bodies to promote economic well-being and corporate responsibility, rather than relying on regulation by litigation—both features that might well advance the Chamber's mission to promote "the unified interests of U.S. business."

Which strand of conservatism will prevail in court? The libertarian arguments are doomed—and the libertarians know it. "The legal precedent is not exactly favorable when it comes to delegation doctrines," says Robert Levy, chairman of the Cato Institute. Although some lower court judges might buy the libertarian arguments, Levy acknowledged, he can't count more than a single possible vote on the Supreme Court: Justice Clarence Thomas. Tribe, too, said the libertarian law suits are unlikely to succeed, because even courts that are concerned about the excessive delegation of regulatory authority may be reluctant to second-guess taxing and spending measures.

And it's not just TARP. Although the libertarians had some success in the 1990s, when states' rights conservatives like Sandra Day O'Connor and William Rehnquist waved the banner of federalism, they have only Thomas to represent them on the Roberts Court. This reflects lobbying by the Chamber of Commerce that ensured the appointment of two pro-business conservatives, John Roberts and Samuel Alito, rather than states' rights conservatives like Thomas. The libertarian rout has been apparent since 2005, when Justice Antonin Scalia, who has never been a consistent libertarian, joined a 6–3 Supreme Court decision upholding Congress's power under the Commerce clause to ban the use of marijuana, even when states have approved its use for medicinal purposes.

By contrast, for the past several years, the pro-business conservatives have been crowned with delirious success: All nine justices on the Roberts Court share, to varying degrees, a bipartisan suspicion of "regulation by litigation." About 45 percent of the Court's docket is now made of business cases, and 79 percent of the cases are decided by margins of 7–2 or better. When you leave out environmental, labor, and employment cases, where the justices have more ideologically polarized views, the Chamber of Commerce wins most of these cases, from punitive damages and antitrust to securities suits and federal preemption of state tort suits against corporate defendants.

THE FAILURE OF the libertarian lawsuits means that Obama may have constitutional carte blanche to spend bailout money however he likes, without meaningful oversight by judges or Congress. And the fact that it's not unconstitutional doesn't mean it's a great idea. The military-spending scandals during World War II, exposed by the Truman Committee, showed the risks for corruption and fraud when the executive branch is given a free hand to spend vast amounts of money. During FDR's presidency, the greatest judicial spokesman for political accountability and transparency was Justice Louis Brandeis, who was so suspicious of "the curse of bigness" in all its forms—both corporate and governmental—that he questioned elements of the New Deal that sought to impose corporate discipline by centralizing power in the federal government. (He voted to strike down parts of FDR's National Recovery Administration, for example, because it delegated unchecked power to the president.) Fearing that government regulatory bureaucracies would grow as unwieldy as the corporations they were designed to regulate, Brandeis preferred to use the federal taxing power to prevent banks from engaging in many different forms of banking and using the powers of the states rather than the federal government to regulate corporations after they were broken up.

Brandeis may have exaggerated the "curse of bigness": In an age when some corporations are considered "too big to fail," it's now conventional wisdom that the lack of competition, rather than corporate size for its own sake, poses the greatest threat to a healthy democracy. But he was surely right about the dangers of unchecked regulatory power. The libertarians are wrong about desirability of judicial activism in times of economic crisis, but they're right to recognize, in Brandeis's words, that "the doctrine of separation of powers was adopted not to promote efficiency but to preclude the exercise of arbitrary power." Or, as Tribe puts it, "It's distressing that, when Congress enacts measures like the TARP or the stimulus bill, it is less focused than it should be on the constitutional dimensions of the blank check that it is handing over." Having spent the past eight years properly excoriating President Bush for asserting unilateral presidential authority in the war on terrorism, it would be foolish for liberals to encourage President Obama to assert similar unilateral authority during the economic crisis. In both areas, Congress may be eager to pass the buck, but the president should be reluctant to take it.

JEFFREY ROSEN

Iran Amok

Dennis Ross's mission impossible.

WHEN THE Obama White House rolled out its star diplomatic fixers for the Middle East and Afghanistan, George Mitchell and Richard Holbrooke, it did so with a ceremony designed to draw maximum attention. Barack Obama and Joe Biden motorcaded over to Foggy Bottom for the late-January event, joining Hillary Clinton and their new hires in the State Department's ornate eighth-floor Benjamin Franklin room, where they spoke before golden curtains to a room packed with reporters and diplomatic VIPs.

By contrast, when the State Department announced the appointment of Dennis Ross as a special adviser for the Gulf and Southwest Asia last week, there was no star-studded press event. Instead, a bland statement was e-mailed to reporters at the conspicuously late hour of nine p.m. Not only had Ross not been included in the Holbrooke and Mitchell rollout, but his appointment didn't even come with a photo op. Most curious of all, perhaps, Ross's announcement made no mention of the country that will be the focus of his job: Iran. At the next

DEPARTMENT OF CORRECTIONS

In the March 4 issue, "Goodbye to the Age of Newspapers (Hello to a New Era of Corruption)" incorrectly stated that *The Christian Science Monitor* is now available only online. In April, the publication will drop its daily print edition and publish content online and in a print weekly. The piece also incorrectly stated that McClatchy has cut its Washington bureau staff by 50 percent. McClatchy has cut 17 percent of its Washington staff. We regret the errors.

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Iran has sent mixed signals about its interest in engaging the Obama administration.

KAVEH KAZEMI/GETTY IMAGES

day's Foggy Bottom briefing, irritated reporters wondered why. "What is he in charge exactly of?" asked one. Pressed on whether Ross would focus primarily on Iran, State Department spokesman Robert Wood was circumspect. "Iran will be one of those countries that he will be, you know, looking at in his portfolio." Well, not exactly. Iran will indeed be Ross's primary focus, and, according to one senior State Department official, he "will be playing a key role" in writing an Iran policy paper that will be sent to the White House within "a few more weeks."

The confusion caps Washington's strangest diplomatic drama of late. Originally headed to the National Security Council to manage Middle East affairs, Ross was roped into the State Department after Clinton resisted seeing such a powerful figure outside her purview, and then found himself in bureaucratic limbo as responsibility for significant slices of the region were doled out to fellow diplomatic heavyweights. It's enough to make one former colleague of Ross's liken the process to a "Where's Waldo?" book. "Waldo here is Dennis," he explains.

The Ross saga, in short, symbolizes the competition among power centers and policy priorities underway in an Obama administration swamped with foreign policy emergencies. But the world waits for no transition. Last week, the International Atomic Energy Agency found that Iran has stockpiled enough low-enriched uranium to build a nuclear bomb after a brief period of further processing. The revelation instilled top Obama officials with a new sense of urgency, says one source following Iran policy, and convinced some that Iran is "a 2009 problem." But where that problem fits among all the others facing the United States remains something of a mystery. What's all too clear is that there's little time to solve it.

Ross's defenders say it doesn't matter that he was unveiled by e-mail under the cover of darkness. Unlike Mitchell and Holbrooke, he will not be an envoy or negotiator who poses for photos with foreign dignitaries: His influence will be in Washington. According to the State official, Ross will play a "strategic policy planning" role, akin to the department's Office of Policy Planning, which currently lacks strong expertise in Iranian and Middle Eastern affairs. One former Foggy Bottom official likens Ross's shop to "an in-house mini think tank" focused on Iran policy. And, when it comes to guiding policy, he's likely to make his mark fast. Ross is a workaholic with what one person who knows him calls "legendary" bureaucratic maneuvering skills, which have allowed him to flourish in both Republican and Democratic administrations.

A lanky, sometimes bedraggled Bay Area native and UCLA grad, Ross started in government as a Soviet specialist at the Reagan State Department. He went to work for Paul Wolfowitz soon after writing a paper that presciently trashed an alarmist CIA report on the USSR's

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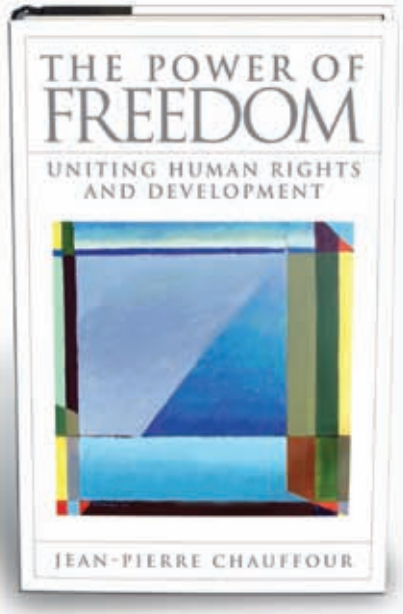

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TOYS 'R' US

David Levinthal's epic subject is toys, which he uses as vehicles for confronting such playful subjects as the Holocaust and American racism. He has photographed Barbie and racist figurines of African Americans. His seminal series, Hitler Moves East*—conceived with Garry Trudeau of "Doonesbury" fame—posed Austrian figurines of Nazi soldiers in battle. The following are taken from his forthcoming book,* I.E.D.: War in Afghanistan and Iraq.

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capabilities and intentions. After serving as one of George H.W. Bush's key campaign advisers in 1988, Ross emerged as James Baker's right-hand man at the State Department. After the 1992 election, incoming secretary of state Warren Christopher asked Ross to hang around for the transition—but quickly hired him to lead the Clinton team's Arab-Israeli negotiations.

After Clinton left office, an exhausted Ross decamped to the Washington Institute for Near East Peace, a pro-Israel think tank. During the 2008 primaries, he remained publicly neutral, but, by summer, Ross was a key member of Obama's foreign policy circle, joining the candidate's summer trip through the Middle East. Ross, who is Jewish, even toured several Florida synagogues on Obama's behalf last fall, donning a yarmulke to assure audiences that Obama would keep Israel safe.

Although Ross knows the wider Middle East as well as any American, critics point out that he's had scant dealings with Iran. (Remarkably, Iran is not mentioned in the index of his 872-page account of Middle East peace negotiations.) From his perch at the Washington Institute, however, Ross has recently focused on Iran's nuclear program, often in more hawkish tones than candidate Obama's emphasis on dialogue. Ross was the co-founder of an activist group, United Against Nuclear Iran, and, in his 2007 book *Statecraft,* he declared: "Put simply, Iran must not develop nuclear weapons." And, while foreign policy doves cheered a December 2007 National Intelligence Estimate finding that Iran had suspended nuclear weapons research, Ross lamented that the NIE "misses the point"—namely, that enriching uranium, not assembling a bomb, is the hard part—and predicted, correctly, that the report would make isolating and pressuring Iran more difficult.

Ross has no problem with negotiating with Iran over its nuclear program, but has said such talks should be initially conducted via a back channel—an idea he favors based on secret talks he brokered with Syria in 1989. He also insists that any talks be paired with strong pressure, believing, as he wrote in The New Republic, that "penalties, more than inducements, are the key to altering the Iranian position." Thus, while Obama speaks of extending an open hand to a clenched fist, Ross is certain to call on America's European allies, as well as Iranian trading partners like China, Russia, and Japan, to tighten the economic screws on Tehran.

That's where the Obama administration faces a tough choice. U.S. military officials are wary of pressuring or threatening Iran in ways that might cause problems for U.S. forces trying to stabilize Afghanistan and Iraq. When he was the U.S. commander in Iraq, General David Petraeus complained vociferously about Iranian backing for anti-American insurgents. But he also pushed for talks with Iran to stem that activity. When Bush administration officials pumped up their rhetoric in 2007 over alleged Iranian support for the Taliban in Afghanistan, the American NATO commander there at the time, General Dan McNeill, publicly pushed back against the charge—in what appeared to be an effort to defuse tensions. "I would assume one of the things [the commanders in Iraq and Afghanistan] would be thinking about is whether we're going to get into, short of war, a coercive conflict with Iran that would give them incentives to react in other ways that would raise the costs for us," says Stephen Biddle, a senior fellow at the Council on Foreign Relations.

Iran experts say this friction could complicate Ross's mission. "I have quite a lot of confidence that the president appreciates you need the right balance," says Robert Satloff, the Washington Institute's director (who stressed he was not speaking for Ross, his former colleague). "What is unclear is whether everyone in the administration is on the same page. One can appreciate that those whose principal responsibility for the moment is to engineer a different American posture in Iraq and Afghanistan would prefer that tensions between the U.S. and Iran remain as low as possible." Defense Secretary Robert Gates himself has written: "Another war in the Middle East is the last thing we need. In fact, I believe it would be disastrous on a number of levels." Ross, by contrast, signed on to a think-tank report last year that concluded that "a military strike is a feasible option and must remain a last resort to retard Iran's nuclear development."

Ross's desire to pressure Iran could step on diplomatic toes, as well. Holbrooke has said that Iranian cooperation could be critical to stemming the booming opium trade that is a major destabilizing force in Afghanistan, the country Holbrooke has been tasked with fixing. (In an apparent sign of his interest in Iran, Holbrooke recently hired Vali Nasr, a scholar who specializes in Shia history and culture. Afghanistan and Pakistan have small Shia populations, while Iran is almost entirely Shia.) In trying to broker a Middle East peace, special envoy George Mitchell will certainly be entangled with Iranian proxies in Gaza and Lebanon. Ross will also have to share space with Bill Burns, the State Department's top career diplomat and number-four official, who will continue meeting with the "P5+1" group—consisting of the U.N. Security Council's five permanent members (the United States, France, Great Britain, China, Russia) and Germany—which is currently coordinating the international approach to Iran. Aaron David Miller, Ross's deputy in the Clinton administration, warns that, without "adult supervision" from Clinton and Obama, the bureaucratic overlap could lead to "a bad and tragic soap opera."

The real problem may be that the Obama team remains far from clear about how to deal with Iran. During the campaign, Obama said he was determined to open direct negotiations with the Iranians over their nuclear program. But how—and even whether—to do so are still not certain matters, administration officials say. An ongoing Iran policy review will last for several more weeks, and one of its challenges is figuring out what Iran, whose leadership has issued both conciliatory and belligerent public comments about the new Obama team, is really thinking. "We've received mixed signals [from Tehran]," says one White House official. Unfortunately, the Iranians may feel the same way.

Michael Crowley

Con Ed

Reading Lolita in the Big House.

In early February, I watched 16 men receive degrees in an extraordinary college commencement ceremony. Although there were caps and gowns and processional music, these degrees were given deep inside a maximum-security prison, the Eastern New York Correctional Facility in Napanoch, Ulster County, in upstate New York. Fourteen men finished associate in arts (A.A.) degrees. Two earned B.A.s. Of the 16, all but two were black or Hispanic. They came originally from New York City, Puerto Rico, Panama, and New Jersey. These men had been convicted years ago for felonies that led them to be incarcerated for long sentences. Unlike other college graduates, at the end of the ceremony they did not exit into a new world of freedom and opportunity befitting the use of the word "commencement." Rather, they returned to their cells. For many of them, years will pass before there is even a consideration of parole.

This year marks the fifth anniversary

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of commencement exercises made possible by the Bard Prison Initiative, a degree-granting program sponsored by Bard College, the institution I have been proud to serve for more than three decades. The Bard Prison Initiative has brought to nearly 300 men and women the chance to study not a technical trade but the full range of liberal arts subjects. The students who received the A.A. studied a robust liberal arts program including philosophy, calculus, literature, and history. One of the B.A. candidates wrote his senior honors essay in the field of history on the origin of black conservatism. The thesis of the second B.A. recipient was a philosophical and literary study of the ethics of language use. As their topics show, these students, drawn to knowledge for its own sake, ironically end up receiving a version of the liberal arts education that feels very out-of-date in our modern, professionalized university system. With no hope of putting their educations to any career-oriented purpose, they turn to literature, history, and philosophy—subjects in the humanities that outside of our prisons are beleaguered, endangered, and derided as useless.

COURTESY BARD COLLEGE; ANTHONY RUSSO

Although the exercises at Eastern New York Correctional Facility had the feel of the ritual with which we are all familiar, one with benedictions, speeches, marching across a stage, and the handing out of diplomas, this commencement followed a precedent established at the first Bard prison commencement: Not one, but four of the graduates spoke on behalf of their class and their fellow prisoner college students. Each spoke about the liberation of the mind that comes from confronting the rigorous demands of disciplined study. They described their joy in the close, intense reading of texts, the working out of problem sets in mathematics, and the struggle they encountered in learning how to write closely reasoned arguments that forced them to reconsider deeply held prejudices and facile notions based in ignorance.

We have become accustomed by conventions most eloquently expressed in literature, for example in Dostoyevsky's *House of the Dead*, to believe that it is in circumstances of complete unfreedom and deprivation, particularly in incarceration, that the character of human nature is revealed. If that is indeed the case, it was plain in this ceremony, in which the families of the graduates were gathered alongside fellow inmates, prison guards, the superintendent of the prison, and New York State's Commissioner of Correctional Services, that the capacity for good is never erased. An incredible potential for good resides in all of us, for it is the consequence of the human ability to learn and speak. In no other circumstance in my experience has the connection between ethics and learning been so dramatically validated. It should not be so much of a surprise. We know from the experience of the survivors of concentration camps that the one thing that cannot be taken from an individual is inner freedom.

The United States has the unfortunate distinction of having the largest prison population in the world. Yet we do pitifully little in our penal system to give real substance to the idea of rehabilitation and redemption. Each of our 16 college graduates had the courage to take responsibility for the crimes he committed. None questioned the legitimate right of society to punish them.

While these men were exceptions, they represent a small fraction of the hundreds of inmates in that 1,000-person prison facility who took the entrance exams for the Bard program but for whom there was no place. The superintendent of the Eastern New York Correctional Facility estimates that almost three-quarters of the prison's population could benefit from a college education, but there is no practical possibility of accommodating them. There is little doubt that the opportunity for a real education, not only education in job-skills training, should be made available to prisoners, particularly those serving long sentences. The most proven defense against recidivism is education.

Still, what really moved me and my Bard colleagues to tears as we listened to the words of the four representatives of the Class of 2009 was the recognition of how weak the love of learning is among those for whom the privilege of moving seamlessly from high school into college is taken for granted. Why can we not engender the same motivation and attachment to a life of the mind when there are few real constraints on our students? In these times of economic distress, there is ever more skepticism about the utility of fields of study in the humanities, social sciences, and the sciences, which appear to have no immediate practical benefits. But, in the prisoners in Bard's program, we saw something we rarely see on our own campuses: recognition of the deep value of the pursuit of inquiry for its own sake.

It is not surprising that our faculty who teach in the prisons and spend the greater part of their lives in an atmosphere of privilege and freedom at Bard's home campus cherish their long trips to the prison. It is there that they sustain the idealism that led us to scholarship and teaching in the first place. How ironic that this should take place where ordinarily one would have little or no reason to hope that learning matters.

LEON BOTSTEIN

Leon Botstein is president of Bard College, where he is also the Leon Levy Professor in the Arts and Humanities.

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Comic Relief

The Bush-impersonator recession.

The waiter had been staring for some time before he finally approached the table where Brent Mendenhall was eating a late-evening meal in London. The waiter apologized, but he had to ask: You're not by any chance…

The usual conclusion to that question is: "… George W. Bush?" Mendenhall is a dead ringer for the forty-third president, right down to the what-me-worry lines on his forehead. But, in this instance, the Indian-born waiter recognized Mendenhall for who he actually is: the man who played a comic-relief W. in the Bollywood action film *Mission Istanbul*. He might also have recognized him as a comic-relief W. in Uwe Boll's *Postal*, or as, um, a comic-relief W. in "The George Lopez Show." In fact, Mendenhall's crazy-quilt Internet Movie Database page reveals a filmography that consists entirely of roles in which he plays the president, and that doesn't include his appearances as W. in numerous TV commercials and at innumerable corporate events. Over the last eight years, it's been a good business for him: Successful full-time impersonators earn in the low six figures and get to see the world while working almost exclusively on weekends. The question for Mendenhall and the handful of others who make their primary living impersonating, imitating, or otherwise entertaining as the departed president is whether they'll continue to get work with Bush out of office.

Will Ferrell, who just opened a one-man show on Broadway in which he revives the slyly stupid (or stupidly sly) Bush he made famous on "Saturday Night Live," will be fine. For members of the smaller, stranger presidential look-alike industry, though, things are more uncertain. Impersonators don't get corporate board sinecures or automatic inclusion on prospective lists of future baseball commissioners when their terms end. This leaves Mendenhall et al in the same quandary as many working Americans: worried about how their skills will translate in years ahead, wondering if they have a place in the current economy, and… well, concerns about future roles in Japanese commercials are probably specific to the performers in question.

There's a distinction to be drawn between Bush impersonators—whose acts are based on physical resemblance and who perform exclusively as their "character"—and comic

OBAMA'S ALL-CZAR LINEUP

A label once reserved for a few select White House officials is now routinely slapped on seemingly every appointment.

War Czar
(Douglas Lute)

Regulatory Czar
(Cass R. Sunstein)

Drug Czar
(R. Gil Kerlikowske)

Global AIDS Czar
(unfilled since Mark Dybul's departure)

National AIDS Czar
(Jeffrey Crowley)

Native American Czar
(unfilled)

Technology Czar
(unfilled)

Cybersecurity Czar
(unfilled)

Performance Czar
(unfilled since Nancy Killefer's withdrawal)

Urban Czar
(Adolfo Carrión Jr.)

Copyright Czar
(unfilled)

Climate Czar
(Carol Browner)

David Cowles

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impressionists, who imitate the president as part of larger, more diverse acts. Mendenhall is squarely in the former camp and credits his experience in the corporate world—he was a project manager in the construction business for 29 years—as a better preparation for the impersonator's gambit than his limited community theater credits. "He never did get the voice down, and I think it has probably cost him some money," says filmmaker Chad Friedrichs, who worked with Mendenhall on *First Impersonator*, a 2008 documentary about the ups and downs of the look-alike business. "But he's good. He does the—you know Bush's shoulder thing, how he moves them when he laughs? Brent does that really well; it always gets good laughs."

That knack for Bush's pinched, over-urgent physicality—as well as a God-given similarity to the president's physiognomy—also briefly made Mendenhall the go-to Bush on "The Tonight Show," before he lost his job to an impersonator named Steve Bridges. "I shouldn't say this, but [Bridges] might be the biggest impersonator out there," Mendenhall allows without a hint of animosity. "But he wears a prosthetic face."

And it's here that the line between impersonator and impressionist begins to blur. Because, while Bridges does indeed wear a latex mask when he's performing as Bush, he also has a *Silence of the Lambs*–esque collection of "faces" that he dons to portray political figures from Arnold Schwarzenegger to Ronald Reagan. Bridges's versatility puts him more in the realm of the comic impressionists, but his one-character-at-a-time policy is "impersonator" all the way.

The distinction is important to James Adomian, a comic and actor who frequently performed as Bush on "The Late Late Show." "I'm not violently opposed to [being called an] impersonator," Adomian says. "But I think it just technically refers to a sad, creepy, unfunny version of comic impressions . . . strange people who spend all their time playing one or a very few well-known celebrities all the time." Adomian is a comedian and, as such, doesn't go to big impersonator-industry showcases or do the corporate events that make up the backbone—about 80 percent, by Mendenhall's estimate—of an impersonator's bookings.

Bush is just one of Adomian's many comic imitations, and one he's happy to leave behind. "I won't turn down any great offers," the 28-year-old says of his future as W. "But I'm not going to actively seek out work. . . . There will always be new dragons to slay." Besides, he adds, "It hurt my face muscles to mimic Bush's dim monkey smirk for more than half an hour at a time."

The pointed Bush of Adomian's live act is also a stark contrast to the scrupulously anodyne impersonator model.

"Corporate-clean and bipartisan," is how Mendenhall describes his 25-minute performances. "I'll make a little bit of fun, but I'm not going to say any foul words or anything like that."

Still, this doesn't mean that Mendenhall—a self-identified moderate Republican who made a small campaign contribution to Bush in 2004—was among the 22 percent who approved of Bush at the end. "I felt the same way about the last few years as everyone else," he says. "It's tough when your character does things that make him unpopular and it winds up hurting you. . . . Sometimes, I felt like the Britney Spears or Michael Jacksons do."

So what's next for Mendenhall? He'd like to log another year on the road before going back to "just being Brent from Missouri." It helps that, as much as Mendenhall enjoys his craft, he never really wanted to be in show business in the first place. Vaughn Meader, whose grippingly weird story is at the heart of *First Impersonator*, did. Meader was a struggling comedian and musician before he became a huge star thanks to "The First Family," a Grammy-winning, multi-platinum 1962 comedy record featuring his uncanny Kennedy imitation. But Meader couldn't find work after Kennedy's assassination and, by the late '60s, with some help from LSD, alternately believed himself to be Jesus Christ and a character he called "The Blue Bunny." Since the impersonator scene has become less about show business than what Mendenhall terms "corporate entertainment," such hard professional landings aren't as less likely these days.

Most impersonators just return to their day jobs when their terms expire, but some oversee the presidential transition process, John Podesta–like. When Mendenhall first considered giving impersonation a shot, he contacted a Bill Clinton impersonator named Pat Rick, who performed as "Counterfeit Bill." Rick, who himself entered the business with the help of a George H.W. Bush impersonator named Archie Kessell, showed Mendenhall the ropes and wound up representing him for two years. Then Rick went back to selling medical equipment.

And now Mendenhall is doing the same for Randall West, an Obama impersonator who got in touch with Mendenhall through his website and later retained him as his agent. "He needs to work on his voice," Mendenhall says of his quasi-successor. "But he's got all the tools, the height, some corporate speaking experience. He worked for Lockheed Martin, so he feels comfortable in those corporate settings. . . . After I saw his picture for the first time, I just thought, '*Yes*, this guy is really qualified.'"

DAVID ROTH

David Roth is a writer in New York.

ETHAN MILLER/AFP/GETTY IMAGES/NEWSCOM

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Plan B

What's stopping Tim Geithner?

NOAM SCHEIBER

In June 2007, Tim Geithner, then the president of the New York Fed, gave a speech about the financial crisis he'd helped defuse as a Clinton Treasury official in the late 1990s. This particular crisis had originated in Asia rather than the United States, and it was triggered by international capital flows rather than a real-estate bust. But, in several important respects, it resembled the crisis we face today, which is why Geithner's thoughts on resolving it are so interesting.

Geithner referred to the approach he and his Treasury colleagues (among them Larry Summers, now the top White House economic adviser) adopted as a "Powell Doctrine applied to international finance—the overwhelming use of force, with a clear strategy for resolution." He elaborated: "Very substantial resources were deployed in support of the recovery efforts, and a large share of the resources was made available upfront, in order to try … to stem the loss of confidence."

When Geithner's first major speech as Treasury secretary addressed our current financial crisis, many who'd followed his career wondered what had happened to the Powell-like principles. Sure, some of the rhetoric was similar—as when Geithner warned that "[t]here is more risk and greater cost in gradualism than in aggressive action." But, with Geithner's hazy details and pointed refusal to ask Congress for more money, little about the plan seemed "overwhelming."

Perhaps the boldest of the available options is temporary government ownership, loosely known as nationalization. Economists from Paul Krugman and Joe Stiglitz to Alan Greenspan have converged on this course, and the markets—or at least bank shareholders—are beginning to anticipate it. But Geithner has been even less keen on nationalization than the alternatives, telling Jim Lehrer it's "the wrong strategy for the country." Has the Treasury secretary suddenly lost his nerve?

Whether or not the banks are ultimately nationalized, they will clearly need more money. At the heart of the financial crisis is the gap between their liabilities and assets—the red ink overwhelms the black. Banks in this situation are loath to make new loans, without which businesses can't grow.

The main mechanism for providing money under the Geithner plan is a so-called "stress test," which will measure banks' tolerance for additional economic pain with the promise of cash for those too weak to withstand it. Thanks to the bank bailout Congress approved last fall, the administration still has between $200 billion and $300 billion available for this. But almost no one believes it will be enough to fill the existing hole. By failing to ask Congress for more money, the administration seemed to embrace precisely the gradualism Geithner cautioned against.

The administration clearly realizes this. As Obama noted in his speech to Congress this week, the bank plan "will require significant resources from the federal government—and, yes, probably more than we've already set aside." All things being equal, Geithner and Obama would almost certainly have asked for this money already. (The budget document that Obama released two days later has a $250-billion "placeholder" for additional bank money but repeatedly states that the administration isn't actually requesting the funds.) But, alas, this is where the parallel with the Asian financial crisis breaks down. Because while the ammunition deployed in that case came largely from the International Monetary Fund, which doesn't have to stand up at town-hall meetings in Schenectady to defend its disbursements, the Congress of the United States can only go so far before incurring the wrath of its Fox News–watching overlords.

And, in this case, the overlords have had enough. "[Members of Congress] are going back to their districts, home to their states, and they're getting an earful," explains one senior Democratic aide in the Senate. "A lot of guys came back from recess last week, and the right wing had done a good job stirring opposition." Asked about the prospect of more money for the banks, the aide said it would be highly unlikely, given the cumulative reaction to the first bank bailout, the stimulus, the auto-industry rescue, and Obama's recent housing plan. " 'Bailout fatigue' is a term coined for this situation," the aide says. "I think that accurately reflects the view of the chairman of the banking committee, the chairman of House banking, of many within the caucus."

Which is why Geithner's goal with the bank plan may not have been to solve the crisis so much as demonstrate he could eventually be trusted with more money. Talk to administration officials these days, and you typically hear phrases like "show results" and "rebuild credibility"—language befitting a political crisis rather than an economic one. As Orin Kramer, a hedge fund manager and prominent Obama supporter, recently told me, "Until you establish credibility—that you are going to run a program with transparency and accountability, which isn't a gift shop—you cannot get additional financial authority from Congress." Obama's speech, with its tough talk about forcing banks to "demonstrate how taxpayer dollars result in more lending" and warning CEOs not to use "taxpayer money to pad their paychecks or buy fancy drapes," was aimed directly at this problem.

And here's where things get truly alarming: If Obama officials are able to "show results"—which most observers take to mean increased lending—then they probably won't need the money they'll be able to tap. But, if they're unable to show results, it will most likely have been for lack of money, which they'll have a hard time getting more of. It's a classic catch-22: The very reason you'd ask for help disqualifies you from receiving it.

Money aside, the question of nationalization poses serious complications of its own. Even defining the concept is maddeningly difficult. At the broadest level, it implies the government would own the banks and nurse them to health before presumably selling them off. What no one knows—and few people specify—is what ownership would mean as a practical matter. Would the government

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involve itself in day-to-day management? Would it wipe out current shareholders and own the banks entirely, or would it be satisfied with a majority stake? Would nationalization be more like temporary seizure—that is, honestly accounting for bad assets and injecting new capital, then privatizing as quickly as possible?

Whatever the details, Geithner and his colleagues are said to be deeply uncomfortable with the idea in principle. "Most people who run businesses in this area . . . would look to nationalization as a last step—if it was the only thing standing between us and the abyss," says Michael Granoff, a private-equity fund manager who is friendly with several senior administration officials. "The people in charge of the economic policy side of things have pretty good communication with the people . . . who sit where I sit," he says. "There is a shared understanding in these conversations."

Among the concerns is that government ownership invariably politicizes management decisions, which could be a fiasco (though the problems are presumably mitigated under a short-term arrangement). As *TalkingPointsMemo* recently reported, a coalition of unions is already lobbying against bailout money for The Principal Financial Group because of its campaign against labor-friendly card-check legislation. (Whatever the merits of card check, the debate is probably best separated from the banking crisis.) Many also worry that government ownership will frighten away large institutional clients who don't want the hassle, to say nothing of top managerial talent. A recent *Wall Street Journal* piece depicted Citigroup executives so harried by their government overseers that they worried about splurging for fresh-baked cookies at a corporate retreat.

On top of which, congressional Democrats are generally terrified by the prospect of becoming bank "nationalizers"—the GOP talking points practically write themselves. "It's the other N-word we're not allowed to say," complains another senior Democratic source. While it's true that Republican senators like Lindsey Graham have, in recent weeks, insisted the idea should be on the table, Democrats smell a rat. They believe Graham and his colleagues are out to spook the markets, forcing the Democrats' hand with self-fulfilling doomsaying. "These people say 'free markets,' 'leave everything alone,' 'let them fail,'" says the source. "Now, all of a sudden, they're saying, 'Nationalize the banks'? The cynicism is just incredible." Whether or not this scenario is plausible—and Graham certainly *sounded* sincere—it reflects very real anxieties on the Democratic side. (Graham's office did not return a call seeking comment.)

These concerns are all legitimate. And, yet, one can't help feeling we're headed inexorably toward nationalization anyway. Every new nationalization rumor sends stock prices tumbling (Citigroup recently hit an 18-year low and Bank of America a record low), forcing administration and Fed officials to coo reassurances. But, the lower the stock prices fall, the less likely private investors are to pony up more money—"If the stock is selling at ten dollars, private capital may or may not be willing to participate at $8.50," Kramer says; "if it's selling at four dollars, there's zero chance you'll participate at five dollars"—leaving government as the only option.

In many respects, the lurch toward nationalization has already begun. Treasury is asking for "convertible preferred" shares in return for the bailout money it gives banks. The preferred shares initially act like debt (which does not imply ownership). But they will be "converted" to common stock if a bank's balance sheet gets too out of whack. The process is now underway at Citigroup, for example, and is on track to leave the government with a massive 40 percent stake in the company. It's hard to see why Geithner's dictum wouldn't apply here, too: If you're going to nationalize, better to go big and bold at the outset, when the chances of success are highest, than to back into it unwillingly. But, alas, the politics appear to make this impossible.

The irony is that these two political constraints—no new money, no nationalization—could cancel out in theory. The public believes the same bankers who created the mess are now gorging at the federal trough. If nationalization were part of the equation, prompting managers and shareholders to scream about the expropriation of assets, the public might finally see its bloodlust satisfied and be willing to part with more cash. All the more so if Treasury argued that it represented a decisive final step, as opposed to the latest in a continuing drip of subsidies.

Then again, there's a fine line between pleasing everybody and pleasing nobody. Oh, to be a young Treasury official managing an Asian financial crisis. ◆

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Regulate, Baby, Regulate

We're going to need a bigger FEDERAL REGISTER.

THOMAS K. McCRAW

As the United States faces its biggest economic crisis since the Great Depression, Barack Obama and his team have been looking to Franklin Delano Roosevelt for help. The influence so far is obvious: The stimulus measure passed by Congress in February includes money for building infrastructure, strengthening unemployment insurance, and helping state governments—all reminiscent of FDR's New Deal.

It is now necessary for Obama to take the model one step further. In addition to spending, there was a less visible but equally important element of FDR's program: stringent financial regulation to drive what the president called "unscrupulous money-changers" from the temple. While Obama recently spelled out some admirable principles on that score, there are still obstacles to success. His pick to head the Securities and Exchange Commission (SEC), Mary Schapiro, is far better qualified than her Bush-appointed predecessor. But she seems less formidable than any of FDR's first three SEC chairmen: Joe Kennedy, whose stellar performance laid the foundation for the Kennedy political dynasty; Jim Landis, the chief draftsman of the major securities laws (and later dean of Harvard Law School); and William O. Douglas, who went from the SEC to become the longest-serving Supreme Court Justice in the nation's history. What's more, Obama will face stiff opposition from a political party that has depended very heavily on contributions from the industries he needs to regulate.

Putting money into people's pockets and into institutions is politically easy and economically sensible. But, if we don't reinvigorate regulation as well, the credit system will remain sick, banks won't fully recover, and investors and borrowers will keep on believing—correctly—that they've been hoodwinked and fleeced. Only a thorough repair of the agencies that handle securities and banking regulation—a repair FDR's model can help us achieve—can prevent new crises down the road. Without this reform, other shady financial practices will emerge, just as they've done throughout history, and the money poured into stimulus will have been wasted.

Like Obama, FDR inherited his economic problems. The 1920s were prosperous but were also wild and free-wheeling, a time when dubious mergers and rickety holding companies multiplied. The stock market, almost wholly unregulated, soared to record levels, and a self-satisfied Herbert Hoover predicted that "poverty will be banished from this Nation." Then came the Great Crash, and, by 1933, the task confronting the New Deal could hardly have been more daunting: The Dow Jones hovered in the fifties, down from a high of 381 in 1929. Issues of new corporate stocks and bonds totaled only $161 million for the entire year 1933, a decline of 98 percent from 1929. Unemployment stood at 25 percent.

In this state of emergency, the New Dealers quickly set out not only to stimulate the economy but also to create an effective regulatory system. Their goal, above all, was transparency, which FDR understood as the key to restoring consumer and investor confidence. Without that confidence, consumers would keep their money out of banks and, as FDR put it, "under the mattress." Investors, too, would refuse to buy stocks and bonds to finance business expansion. So FDR called for a Banking Act to assure depositors that their money would be safe, and securities legislation that, in his words, "adds to the ancient rule *caveat emptor* the further doctrine, 'let the seller also beware.'" Sellers who did not beware could end up in jail.

Both the Banking Act and the Securities Act were passed during the New Deal's first hundred days in 1933. The Banking Act, known as "Glass-Steagall," created the Federal Deposit Insurance Corporation (FDIC), which protected bank deposits and, almost by itself, stopped the epidemic of bank runs. Glass-Steagall also forced the separation of commercial banking from investment banking, thereby reducing bankers' ability to speculate with "other people's money," as FDR called it, quoting Louis Brandeis.

The Securities Act compelled all companies issuing new stocks or bonds to disclose hitherto secret information: their balance sheets and income statements, the pay and perquisites of their top managers, and reams of other data. This was a radical move toward transparency, the more so because the act required that all reports be certified for accuracy by independent public accountants. Next came the crucial Securities Exchange Act of 1934, which extended these same requirements to every company whose shares were already being traded on exchanges—essentially the several thousand most important firms in the country. The 1934 act also created the SEC to enforce the new laws and to regulate the New York Stock Exchange and all other exchanges. Drafted with meticulous care, the Securities Act and Securities Exchange Act thrust the affairs of corporate America into the sunshine for the first time in the nation's history. The strategy of transparency was now firmly in place.

Four years later, Congress also brought under SEC control the "over-the-counter market"—that is, trading not done through an exchange. This informal operation had been run by thousands of brokers and dealers, many of them swindlers. Under SEC sponsorship, the industry created the National Association of Securities Dealers (NASD, which set up its own effective regulatory branch and, later, the NASDAQ exchange). With all this legislation, administered by the elite civil servants who enforced it, the New Deal created the finest system of financial regulation in the world's history.

The obstacles to change, however, had been substantial. The new laws were very technical, and Wall Street and most other players fought regulation every step of the way. The easiest opponents to bring into cooperation were the accountants, whom the SEC courted aggressively. At first, accountants were terrified by the new legislation, which imposed criminal penalties for misrepresentation of "material fact" not only by corporations submitting reports but also by accountants who certified their accuracy. Historically, accountants had been cowed by corporate executives into shading their numbers according to

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the executives' wishes. The SEC pointed out that the new laws gave the profession its first chance to achieve real independence, and accountants embraced the opportunity with great enthusiasm.

The New Deal's conquest of the accounting profession and the over-the-counter market was far easier than its victory over Wall Street, investment banks, and exchange-traded corporations. For both the Stock Exchange and the big investment banks, opacity was the tradition: Their money and power came from their virtual monopoly on information about companies' operations. If the monopoly on information were broken, then individual investors—and, later, mutual funds, pension funds, charitable trusts, and university endowments—could make their own informed judgments about securities, and the expensive advice of investment bankers would be less necessary.

After three years of struggle, the SEC finally won this fight in 1937, with the help of a major scandal. Richard Whitney, an aristocratic pillar of Wall Street and the former president of the New York Stock Exchange, was found to have embezzled millions of dollars from his clients to cover losses from his own speculations. In a matter of weeks, he was sent to Sing Sing prison. With Whitney's disgrace, as SEC Chairman Douglas put it, "the Stock Exchange was delivered into my hands." The revolution in financial regulation was now complete.

Over the next four decades, the SEC built a reputation as the most effective of all federal regulatory agencies. It was respected and feared by nearly everyone involved in the trading of stocks and bonds, the issuance of new securities, and the governance of corporations. Even the Reagan transition team reported in December 1980 that "the SEC, with its 1981 requested budget of $77.2 million, its 2,105 employees and its deserved reputation for integrity and efficiency, appears to be a model government agency."

BUT NO REVOLUTION lasts forever. Starting in the 1970s, the New Deal's regulatory triumphs were systematically undermined. As a result, we have witnessed one scandal after another: Michael Milken's junk-bond operations; the savings-and-loan fiasco of the 1980s; the collapse of Long Term Capital Management in 1998; the failure in 2001 of Enron, whose house of cards not even its own lawyers and accountants could understand; the uncontrolled growth of the real-estate bubble; the invention of ever more complex derivatives—sliced and diced mortgage securities, collateralized debt obligations, credit-default swaps; the Bernard Madoff affair; and, finally, the meltdown of the whole financial system in 2008.

Many elements were responsible for the backsliding that led to these scandals, not least the Republican Party. The decline of regulation began in earnest with Ronald Reagan's inaugural address, in which he famously noted that "government is not the solution to our problem; government is the problem." Guided by excessive faith in "the free market," regulators in the SEC, the Fed, the NASD (which merged in 2007 with the regulatory arm of the New York Stock Exchange to form the Financial Institution Regulatory Authority), and other agencies had simply stopped doing their jobs. Even during the Clinton administration, the craze for deregulation had so worked itself into the national culture that Congress blocked major accounting reforms pertaining to stock options, and, in 1999, Clinton's financial advisers supported the very ill-advised repeal of Glass-Steagall. Worse, in 2000 they accepted the catastrophic exemption of credit-default swaps from any regulatory oversight at all. By the time George W. Bush became president in 2001, the SEC's strategy of transparency had been thoroughly undermined. The return of opacity was in full swing. The elements of a perfect storm were in place, and, by 2007, Bush's policies had brought them all together for the explosion of 2008.

While all this deregulation was going on, the financial services industry had found even more new ways to circumvent transparency. An unregulated shadow banking system arose, through hedge funds, private-equity funds, off-balance-sheet operations, offshore tax havens, and the widespread trading by money managers in completely opaque instruments, especially credit default swaps. Because of the enormous profit potential in these securities, the movement of vast sums from the regulated sunshine to the unregulated shadows became inevitable.

Today, banks and other institutions have a very uncertain idea of what their holdings of the new instruments are actually worth. Therefore, they cannot accurately calculate their own assets and liabilities, let alone those of others. This is why they are so reluctant to lend, and why the nation's credit system remains in gridlock despite the $700 billion bailout. Opacity has thus turned inward upon the very institutions that created it, which would be an ironic farce if its consequences weren't so tragic.

OBVIOUSLY, there is much work to be done. The SEC still has an acceptable structure, but it needs robust infusions of talent, expertise, and money. The staffs of both the Fed and its twelve regional banks are far more sophisticated now than they were during the 1930s, and the FDIC is working well under Sheila Bair, one of the few people who began warning years ago of potential catastrophe. But banking regulation remains extremely fragmented, with far too many players: the Fed, the FDIC, the Comptroller of the Currency (a part of the Treasury Department), dozens of state banking commissions, and still other agencies. They are in desperate need of better coordination and, possibly, consolidation. What's more, the regulatory talent emblematic of the New Deal is not gone altogether, but it is thinner to the point of anorexia. After years of ideological hiring, large clusters of ineptitude bedevil the SEC, the Commodity Futures Trading Commission, the Department of Justice, and many other federal bodies. Nearly every important agency has long been starved of resources—and even of the elementary belief that regulation is necessary.

The political opposition to reform will be stiff. The Republican Party will likely fight every step of the way. So will the financial services industry, some of whose stalwarts are Democrats. Even now, Wall Street remains in deep denial: The lavishing of billions in executive bonuses by firms that received federal bailout money is all we need to know about this industry's feral determination to protect its outrageous pay scales.

Fiscal stimulus is the first priority now, but only with reinvigorated regulation can the economy operate effectively over the long term. Capitalism depends on credit, credit depends on transparency, and transparency depends on illumination. It's that simple. If the new administration can accomplish what the New Deal did in bringing finance into the bright light, it will be one of Barack Obama's greatest legacies, just as it is one of FDR's. ◆

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ANTHONY RUSSO

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The Black Widower

Our not-so-strongman in Pakistan.

NICHOLAS SCHMIDLE

Last fall, during Asif Ali Zardari's first foreign trip as head of state, the Pakistani president met with Sarah Palin in New York City. The meeting occurred amid Palin's other campaign cameos with U.S.-friendly world leaders, most of whom could manage little more than an awkward grimace amid the onslaught of flashbulbs. (Paraguayan President Fernando Lugo reportedly flat-out refused to meet her.) But Zardari, widower of Benazir Bhutto and oft-described playboy, looked delighted as he greeted—and then charmed—the vice-presidential candidate. Zardari, who wore fashionable wire-rimmed glasses and a broad grin, called Palin "gorgeous" and then added, "Now I know why the whole of America is crazy about you." Palin blushed. When a handler asked Zardari and the Alaskan governor to continue shaking hands, Zardari gestured in the photographer's direction while still staring at Palin and quipped, "If he's insisting, I might hug."

Zardari's comment created a stir back home. Stories about the incident splashed across the front pages of Pakistani newspapers. Pakistani Facebook subscribers formed a group sarcastically titled, "Zardari should marry Sarah Palin for the sake of world peace!!!!!" and railed against their president's boorishness. The imam of the Red Mosque in Islamabad, the site of a pro-Taliban rebellion in the summer of 2007, issued a fatwa against Zardari, claiming that his behavior was un-Islamic and inappropriate for the leader of a Muslim state. One could argue that it was particularly inappropriate for the leader of one of the world's least stable states. After all, this was Zardari's maiden presidential tour abroad—a time to shore up Pakistan's and America's confidence in him. His flirtation with Palin seemed to cast further doubt on his capacity to rule.

Zardari's clumsiness presents a serious problem, not only for his country but for the United States. Since 2001, Washington's approach to Islamabad has been less a matter of international relations than personal diplomacy, focused narrowly on the country's head of state. This is partly a matter of necessity: Pakistan lacks the civil institutions and governmental continuity that make deeper relationships possible. And, as Bush officials geared up for war in Afghanistan, they cherished their newfound, one-call-can-do-it-all ally, Pervez Musharraf. Musharraf promised to fight the Taliban and Al Qaeda on the Afghan border and showed that he was trying to normalize relations with India to boot. When, by late 2006, the Taliban was stronger than ever and Al Qaeda had reconstituted itself *inside* Pakistani territory, Washington began looking for someone new. The pro-American Bhutto seemed just the person, despite her previous, less-than-successful turns as prime minister. But those plans crumbled when Bhutto was assassinated in December 2007. Then Musharraf resigned last summer, effectively leaving Zardari, at least in the eyes of many American officials, as the last, best hope for the United States.

It's an enormous responsibility and one that few expected Zardari ever to assume—not least because he had spent eight of the last eleven years in jail. He had been charged with corruption, money-laundering, murdering his brother-in-law, and evading taxes on a bulletproof BMW. Once, he allegedly attached a bomb to a businessman's leg and ordered him to withdraw his money from the bank. When Bhutto was prime minister, Zardari earned the nickname "Mr. 10 Percent" for the cut he purportedly took on government contracts. He was ultimately cleared of all the charges against him, but Zardari has often behaved more like a don than a democrat.

That will matter little to the United States if he proves to be a capable leader. But it's worth considering just how many U.S. interests are at stake in Pakistan, a nuclear-armed, Taliban-infested, economically desperate nation of 170 million people. Washington urgently needs Islamabad's help in fighting Al Qaeda and restoring stability to Afghanistan. And, as questions grow about Pakistan's complicity in November's terrorist attacks in Mumbai, the United States craves a leader who can prevent full-scale war with India. Accomplishing all this would tax even the most gifted politician. Is the man who flirted with Sarah Palin up to the task?

I met Zardari in Islamabad on August 18, perhaps the most significant day of his political career. For weeks, he had been spearheading impeachment proceedings against Pervez Musharraf, whom he blamed for failing to protect his wife. Just a few hours before I arrived at the headquarters of the Pakistan Peoples Party (PPP), which had been founded by Bhutto's father in 1967, Musharraf had announced that he was resigning under the pressure, leaving Zardari as the most powerful political figure in the country. A banner, staked into a slice of grass in front of the building, read: "congratulations to asif ali zardari for leading the movement to fight the worst dictatorship." Inside, Zardari was shaking hands and slapping high-fives with former prime minister Nawaz Sharif and other anti-Musharraf politicians.

To get in the building, I had pushed through a throng of local journalists and celebrating PPP supporters crowded near the entrance. Owing to the security hazards of living near the PPP nerve center, most of the other houses in the neighborhood had erected blast walls, some 40 feet tall. PPP-hired security guards led me through two metal detectors and into a waiting room. Top politicians from other parties milled around the hallways, hoping for a brief, private word with Zardari. Finally, an aide cleared the room of these high-profile characters, leaving only me. Zardari charged through a door. He apologized for being late, ran his hand through his hair, and fell onto a sofa. "I am half-exhausted, so if my answers aren't up to your standard," he said, "please forgive me." A framed photograph of Bhutto stood on a glass table to one side. A picture of her father, Zulfikar Ali Bhutto, rested on another. Zardari blinked forcefully once or twice, as if trying to wake up, and then flashed a pleasant, if forced, grin and told me how it was his life had come to this.

Zardari was born into the world of landed gentry, where

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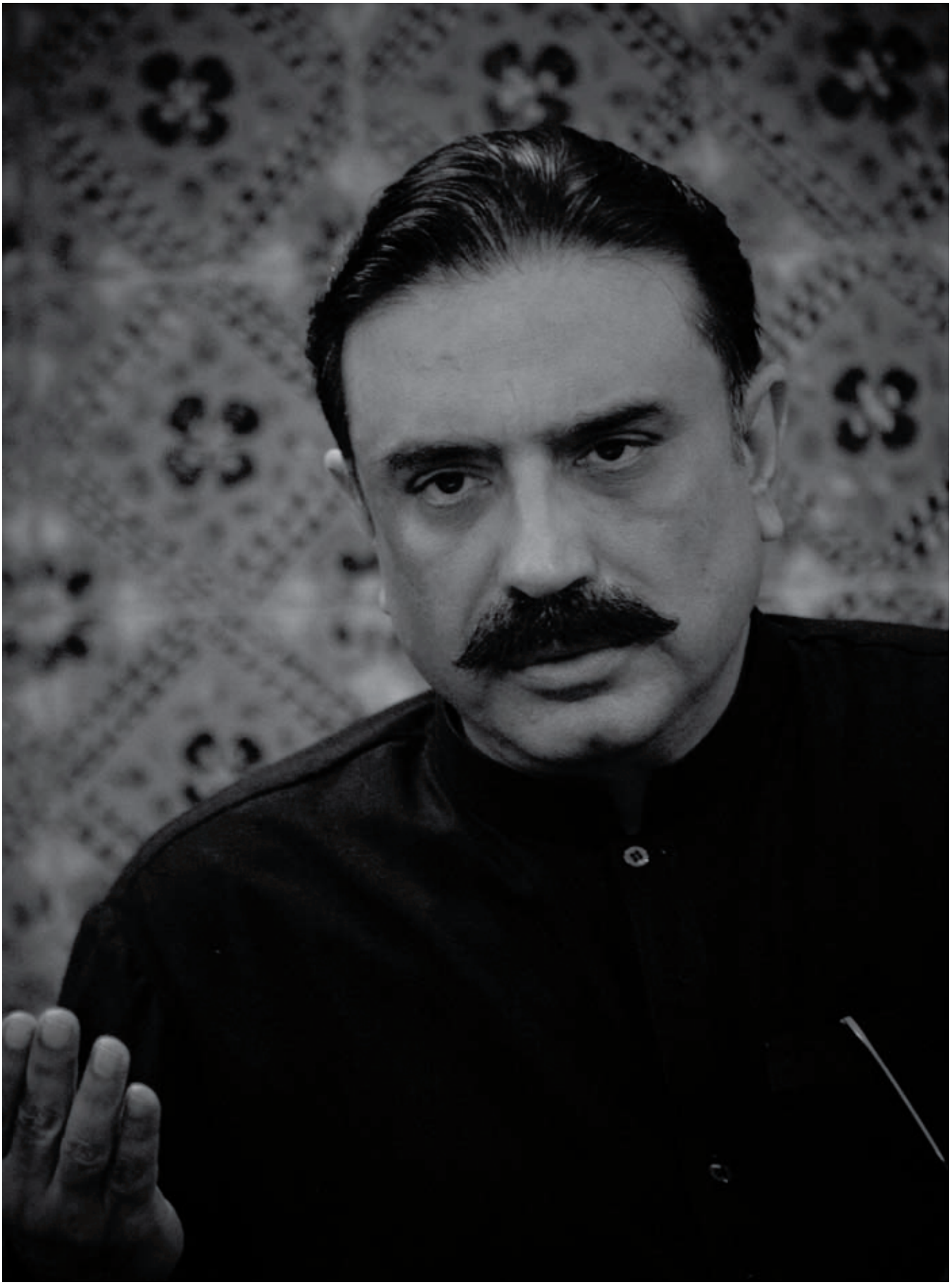

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acting haughty and debonair was expected. "Our name 'Zardari,'" he explained to me, "means 'people with wealth.'" His father, Hakim Zardari, was a middling feudal—middle class along the spectrum of landholders in the Pakistani province of Sindh—who combined a sense of entitlement with raw, urban grit. Hakim built and ran a cinema in downtown Karachi called the Bambino. The vertical sign that fronted the cinema showed a flapper, her arms outstretched as if frozen midjig, swinging her hips inside the top "B" of "BAMBINO." As a kid, Zardari and his friends loitered around the box office, gawking at passing girls and occasionally fighting over the finer ones. He recalled watching *El Cid* and *Cleopatra* on premier nights and humming the songs from *South Pacific* for months.

In the mid-1980s, Benazir Bhutto, who had taken over the PPP between her father's overthrow (in 1977) and hanging (in 1979), asked her mother to find her a suitable husband. Unmarried women in Pakistan attracted scandal, and Bhutto needed to be able to meet with male party workers at night without creating a controversy. Meanwhile, Zardari's parents had been shopping around their son, Asif, who was assisting with the family construction business at the time.

The Bhuttos and the Zardaris were not exactly cut from the same cloth. While the Bhuttos represented a political dynasty and were amongst the biggest landholders in Sindh, the Zardaris were, in the words of *The Guardian*, "looked down on as Johnny-come-latelies." (Hakim's feudal peers considered his cinema business a plebeian endeavor.) Bhutto was ultimately willing to overlook the social stigma of "marrying down." She was reportedly attracted to Zardari's sense of humor and open-mindedness. Yet, when asked in 1987 if her impending marriage would affect her career, Bhutto sniped, "[Asif] will not be involved in my political career at all, and I have no intention of visiting his cement works in Karachi." The two married on December 18 of that year.

I asked Zardari if he ever felt that Bhutto was out of his league. "I imagined myself as a knight in white armor," Zardari said. (He habitually muddles clichés.) He wore black slacks with a cream-colored shirt, and, though he no longer styles his mustache in the handlebar fashion, he keeps a neat chevron trimmed close to his upper lip. Soon after taking a seat, he unfastened the top two buttons of his shirt, reached in, and twisted a tuft of chest hair. "I don't think I fathomed what she was until I married her. I just couldn't grasp the … giganticness of her personality," he added. "There is a saying in my language: 'The camel only finds out that there is something taller than him when he comes beneath a mountain.'"

In June 1989, six months after Bhutto was sworn in as the first female prime minister of Pakistan, she and Zardari came to Washington. President George H.W. Bush had invited Bhutto for an official visit to discuss the waning cold war. As Bhutto and Zardari sauntered with George and Barbara through the Rose Garden, they struck quite a collective pose: the president in a tuxedo, Barbara in a bubble-gum-colored evening gown, Bhutto decked out in green (the color of Islam and Pakistan) with a *dupatta* balanced precariously on her head, and Zardari in all white, sporting a bulky turban. Despite wearing clothes that flaunted his Sindhi, swashbuckling

roots, however, Zardari behaved obsequiously around Bhutto, as if a clause in their marriage contract required deference to her in public. "He didn't know what to do," recalls Stephen Cohen, a Pakistan expert at the Brookings Institution who attended a dinner with Bhutto and Zardari during this visit. "She told [Zardari] to 'Go stand over there,' and he did. … He looked totally out of his element."

In the ensuing years, Zardari seemed to settle into his role as Bhutto's number two. He stabled his horses at the prime minister's house and spent his time doing business, bolstering his unctuousness with her political influence. Shaheen Sehbai, a reporter who covered the parliament during those years and who is now an editor of the English-language newspaper *The News*, remembers Zardari as someone who could be "warm and dapper" in public, and a "very ruthless Mafioso type" in private. Rumors of Zardari's glad-handing and arm-twisting swirled around the parliament soon after Bhutto first took power in 1988, according to Sehbai: "We used to hear all the time that Zardari was on the take." It was Sehbai who later dubbed Zardari "Mr. 10 Percent."

In August 1990, Bhutto's government was dismissed on charges of corruption and abuse of power, and Zardari was thrown into jail. He stayed there until 1993, when Bhutto returned to power, bailed out her husband, and named him minister of the environment and, later, minister of investment. In seesaw fashion, Bhutto's government was again dismissed in November 1996 on corruption allegations, and Zardari was, once again, put in prison. In 1998, Bhutto went into exile in Dubai, facing the threat of her own incarceration.

Zardari, meanwhile, languished in Karachi Central Prison, where he was tortured—beaten with a rifle butt and slashed with shards of glass. Today, he has a sickle-shaped scar on his tongue and a scar across his neck. "This is my jugular vein," Zardari said to me, pulling down the collar of his shirt. "They cut it open and said, 'We are going to kill you.'" I asked him what kind of information his torturers hoped to extract. "Basically, they were trying to break me. They had tried everything [to defame Bhutto] but it hadn't worked," he said. His jailers offered to let him go if he could guarantee that Bhutto wouldn't return to Pakistan, a proposition he refused. Said Zardari, "They simply didn't want us to be the leaders of the PPP."

In late 2004, Zardari was finally released from jail. He flew to the United States to seek medical care for diabetes and back and heart trouble, conditions exacerbated by the torture. In 2007, 18 years after their first trip, Zardari and Bhutto were back in Washington, courting the next generation of Bushes. Though George W. Bush's administration strongly backed Musharraf, political instability and the growing pro-Taliban insurgency in Pakistan won Bhutto receptive audiences. Armed with lobbyists, she tirelessly ran the think-tank circuit and cultivated officials, arguing that a power-sharing arrangement between her and Musharraf would offer the best hope for quelling the country's problems.

The Harvard- and Oxford-educated Bhutto enchanted Washington. Policymakers, regional experts, and influential columnists seemed willing to overlook her two ineffective terms as prime minister, her dubious distinction of having supported the rise of the Taliban in Af-

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ghanistan, and her husband's reputation as a crook. But Zardari kept a low profile. When they were together, he deferred to Bhutto, staying out of her way and calling her "The Boss."

Zardari and Bhutto eventually returned to Pakistan in October 2007, after the government waived their outstanding corruption cases. The night Bhutto arrived, after eight years in exile, suicide bombers attacked her procession, killing more than 140 people. Bhutto narrowly escaped. Just two months later and only a week after her twentieth wedding anniversary, terrorists targeted Bhutto again, this time successfully. Pakistan burned for days. The worst rioting occurred in Bhutto and Zardari's home province of Sindh. When Bhutto's family and supporters buried her, Sindhis chanted, "We don't need Pakistan! We don't need Pakistan!"

Soon after, the PPP produced Bhutto's handwritten will at a press conference. In it, she had written: "I would like my husband Asif Ali Zardari to lead you in the interim period until you and he decide what is best. I say this because he is a man of courage and honour. He spent 11 1/2 years in prison without bending despite torture. He has the political stature to keep our party united." Having inherited Pakistan's most powerful political organization, Zardari faced a monumental choice: call the PPP into the streets to avenge his wife's murder, and possibly plunge the country into civil war; or sound a conciliatory tone in the hopes of defusing the crisis. Surprising everyone with his maturity, restraint, and leadership, Zardari chose the latter. Speaking in Sindhi at a press conference just days after Bhutto's assassination, Zardari repeated, "We want Pakistan. We want Pakistan." At one of the most volatile and dangerous moments in the country's history, Zardari led Pakistan away from the brink.

Zardari had always believed that he could flourish in a larger role, even while he kept up the appearance of being content at Bhutto's side. Like Bhutto, who watched and learned from her father before she assumed power, Zardari spent years watching and learning from his wife. His style, however, couldn't be more different than Bhutto's. Whereas she relied on intellect and charisma, Zardari relies on street smarts and cunning, qualities honed by a childhood scrapping on the steps of the Bambino and more than a decade in prison.

Consider how he rose to power this year. In the aftermath of Bhutto's December 2007 assassination, Musharraf had delayed parliamentary elections more than a month. When they were finally held in February, the PPP sailed into power, buoyed by what some called a sympathy vote. Zardari didn't run for a seat. He preferred to stay behind the scenes and play kingmaker. His detractors predicted that Zardari would fail, owing to his checkered past. Yet he soon formed a national government and four provincial governments by cobbling together alliances with partners that Bhutto, had she been in power, would likely have eschewed, including the party headed by Nawaz Sharif, Bhutto and Zardari's arch-rival. Zardari rose above deep ideological differences and years of backbiting to achieve some consensus across the political landscape. He employed his personal touch—invitations to his home, photo ops, and promises—and in the end he secured enough support to win the presidential election.

But sometimes Zardari's charm hasn't been enough, and his penchant for backroom dealings has shown a darker side, too. He doesn't handle dissent well. His political opponents and even some within the Bhutto family accuse him of murdering Benazir's brother in September 1996 to remove potential rivals within the PPP. And, shortly after the PPP's recent return to power, he sought to stifle criticism in the press by offering prominent journalists lucrative jobs in government. Beyond co-opting the media, Zardari has surrounded himself with jailhouse pals, business partners, and former exiles. Several of Zardari's fellow inmates now occupy cabinet-level posts in his government-by-friend. He tapped one of his doctors to run the National Reconstruction Bureau, an office tasked with implementing local governance schemes. (The doctor now runs the oil ministry.) Another, Dr. Qayyum Soomro, who treated Zardari in jail during his torture, is now one of his closest aides.

While the torture nearly broke Zardari physically, the more lasting consequence has been his deep mistrust of those who've not experienced the same, even people within his own party. Zardari suspects many PPP members of being on the payroll of the state's spy agency, the ISI. "These intelligence scoops work in a very subtle manner," he told me (presumably meaning "spooks") as his eyes darted around the room. Zardari has demoted some of Bhutto's former top aides to make space for his prison buddies. I mentioned that some believed he only trusted those people who have spent time, in some capacity, in jail. Zardari acknowledged as much. "When we are making decisions," he replied, "we prefer to take people who have been through the mill, because there is a constant process of trying to break us."

That process has only grown in scope now that Zardari is president. Even before the global economic meltdown this fall, the value of the Pakistani rupee had dropped sharply and foreign exchange reserves had dwindled, leaving Islamabad with no cash to buy energy or even food. (In November, the International Monetary Fund finalized a $7.6 billion loan to Pakistan to save the country from bankruptcy.) Weeks after Zardari took power, and just hours after he addressed parliament for the first time, terrorists bombed the Marriott Hotel in Islamabad, killing more than 50 people; and, in November, gunmen based in Pakistan went on a rampage in Mumbai, bringing India and Pakistan to the brink of war. It would be easy to conclude that Pakistan, never the most stable place even in the best of circumstances, had come unglued. That seemed to be the clear sense of the Obama administration, which has launched Predator strikes within Pakistani territory. The war against Islamic militants has gone so badly, in fact, that Zardari's government recently relented to Taliban demands and agreed to the imposition of *sharia* law in the Swat Valley.

When I visited Zardari in his office on the night of his great triumph, I tried to elicit his master strategy for managing the multiple crises unfurling around him. "What comes next?" I asked.

Zardari paused and stared at the ceiling. "I was sitting in prison, looking at the poverty, looking at the problems of the nation, and thinking, 'How are we going to bring the country out of this mess?'" His eyes still fixed upward, he told me that he considered the problems he inherited even worse than conventionally portrayed. "I *know* that the figures are all wrong," he said. Then, speaking with the conviction of a man who felt that ruling Pakistan had always been his destiny: "You see, I know where the state is going." The rest of us, apparently, must wait to find out. ◆

Nicholas Schmidle is a fellow at the New America Foundation. His first book, To Live Or Perish Forever: Two Tumultuous Years In Pakistan, will be published in May.

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Gettysburg Regress

How the government is ruining America's most famous battlefield.

JOHN SUMMERS

Last winter, I was walking with my wife along Seminary Ridge on the Gettysburg battlefield when an odd detail drew into sight: piles of felled trees, stacked alongside a road. The cuts smelled as fresh as the trees looked strong. What happened to them, we wondered? I grew up in Gettysburg, and my mother still lives in the shadow of Lutheran Theological Seminary, low in the lap of the ridge it names. Seminary Ridge is one of a string of ridges surrounding the town; General Robert E. Lee stood there on July 2 and 3, 1863. The woods atop the ridge had made it a sublime place to stroll for as long as I could remember—until that winter walk, which ended with a logging truck lumbering by.

Asking around, I learned that parts of the battlefield were in "rehabilitation." In the hope of providing visitors with an authentic historical experience, the National Park Service (NPS) was seeking to restore some of Gettysburg's landscapes to their condition when the Union and Confederate armies clashed on them. And so the trees that once crowned Devil's Den—from whose crevices Confederate sharpshooters picked off Union soldiers—were missing, also. Hundreds of acres of woodland, actually, were gone or going. (In July 1863, the battlefield contained 898 acres of woodland; since that time, the number has grown to roughly 2,000.) The "rehabilitation," many and varied in its activities, has also rebuilt fences, replanted orchards, and demolished large buildings, including a car dealership. The goal, as NPS regional director Don Barger told *The Christian Science Monitor* in April, is to make visitors "almost feel the bullets. . . . That is what you want to have happen in a battlefield."

The project likely delights the reenactors who troop to Gettysburg every year in pursuit of authenticity, as well as those tourists who expect less to encounter history during their battlefield trip than to *experience* it. Academic historians also appear to approve. University of Virginia professor Gary Gallagher, who advised a recent project at the battlefield, cheers in the current issue of *Civil War Times* that "there has never been a better time to visit Gettysburg." Those who might object to the removal of the trees, he says, are "people who don't understand the difference between a historic park and Yosemite." Rehabilitation has something for everyone: It flatters the left's suspicion of cultural authority, its invitation to ordinary Americans to participate in their history, even as it honors conservatism's fetish for an unchanged, historically correct past. Indeed, Gettysburg, the jewel of America's battlefields, is one of several currently targeted for rehabilitation, including Vicksburg and Antietam.

As an historian, I can appreciate the impulse to restore. But my wife Anna felt foul about my explanation of salvation-through-improvement, and together we ruminated on her instinctual reaction at Seminary Ridge: Did those trees really have to go? The more we thought about this question, the more the whole project troubled us. Those trees weighed in our concern, to be sure. But we began to believe we saw something larger, a distinctive pattern of thought sweeping across the battlefield, working in sympathy with the changing expectations Americans apply to their history.

In the Gettysburg Address—delivered just over four months after the battle's conclusion—President Lincoln cautioned that "we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract." In this season of Lincoln, it seems worth asking whether rehabilitating Gettysburg to its original state is really a process of adding or detracting—and whether the managers of our battlefields are, in their quest for maximum authenticity, cheating visitors out of something more important.

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In high school in the late 1980s, I worked at the Gettysburg battlefield, imparting names, dates, and locations that were, by and large, irrelevant to the moral history of the war. Which was fine with me. I loaded the customers onto the fleet of blue and gray double-decker buses, climbed to the top and took my seat at the rear, where I sunned myself avidly. The problem I grappled with most earnestly on these pleasure grounds was how to pry visiting adolescent girls from their fathers. As for the matter of North versus South, I felt, perhaps along with the sunglass-sporting tourists, that I might have gone either way.

The main destinations then were no more inspired than my tours. A few family attractions conveyed some slight educational matter—the Electric Map, National Civil War Wax Museum, Lincoln Train Museum, Hall of Presidents—and, lying beyond town, there were diversions such as the Land of Little Horses. The entertainments were neither authentic nor inauthentic. They were kitsch, lacking any clear point of view; and, as they were pointless, so they were also harmless.

Today's drive to refurbish Gettysburg, more ambitious in every respect, has not stinted on inspiration—or controversy. A $135-million Museum and Visitor Center, which opened last spring, has lately grabbed headlines thanks to allegations of ethical impropriety. (Questions are swirling about why two firms—one run by the head of the Gettysburg Foundation, the Park Service's partner in building the new center; the other run by his son—were selected to do work at the battlefield.) Less attention, however, has been trained on the ongoing effort to rehabilitate parts of the battlefield to their July 1863 states. This effort marks the latest chapter in a contest between dueling conceptions of Gettysburg—the battlefield as unchanging relic and the battlefield as living memorial.

In April 1864, the Pennsylvania legislature chartered the Gettysburg Battlefield Memorial Association (GBMA). It had taken burial gangs until March of that year to complete the bulk of their work and inter most of the Union dead in Soldiers' National Cemetery. And not until 1873 were the Confederate dead removed from mass graves and reburied in Richmond and Raleigh, Charleston and Savannah. The GBMA made some efforts in the direction of restoration—repositioning cannons, for example—and its founder argued for maintaining the July 1863 appearance of some key aspects of the battlefield. At the same time, he urged the construction of monuments, while his organization's charter called for it to commemorate the carnage with "works of art and taste." In 1866, the legislature empowered the GBMA to plant trees at the site. By 1895, when the Department of War assumed jurisdiction and created the Gettysburg National Military Park, the GBMA held title to 600 acres of land from which it had carved 17 miles of roads. In its first decade of administration, the War Department added more than 800 acres of land, planted nearly 17,000 additional trees, and improved roads. The commemorative work of boosters and government officials utterly transformed the battlefield.

Administrative control over the land migrated from the War Department to the Department of the Interior and the National Park Service in 1933; and developments surrounding the battlefield continued to reflect tension between the two conceptions of Gettysburg. On the one hand, New Deal officials issued a six-year general plan that identified a desire to return the land to its July 1863 appearance. Barns were restored, fences and walls rebuilt. Using workers from the Civilian Conservation Corps, the Park Service pared away overgrowth for the sake of an authentic view at Little Round Top. Yet, in other respects, the site continued to migrate away from its 1863 appearance. In 1938, at the battle's seventy-fifth anniversary, President Roosevelt came to dedicate the Eternal Light Peace Memorial, whose torch—situated above a granite and limestone monument—was meant to symbolize domestic unity while Europe rearmed. Fewer than 2,000 Gettysburg veterans attended the ceremony, and their average age was over 90. Perhaps they exercised something of a check on the drive for authenticity: One can see how wishing for an authentic battle experience in the presence of these survivors—who did not have the experience of the battle so much as they were had by it—might have been considered tasteless.

Eventually, however, the veterans died off, and, as told in Jim Weeks's *Gettysburg: Memory, Market, and an American Shrine* and Harlan Unrau's *Administrative History: Gettysburg National Military Park and Gettysburg National Cemetery, Pennsylvania*, the idea of rehabilitation continued to inform new plans for the park. In the late 1950s, President Eisenhower—whose farm was near the battlefield—egged on the campaign to restore Gettysburg. "I think it is a pity this one piece of terrain is not kept so that youngsters can see it nearly like it was in 1863," the president told *Parade* magazine.

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Rehabilitation was a major initiative in the National Park Service's 1999 General Management Plan, thanks to John Latschar, the park's current superintendent. Last summer, Latschar explained to *The Gettysburg Magazine* how he could tell, soon after arriving in 1994, that a comprehensive program was needed to rescue the battlefield from the encroachments of time. "I'd been here a couple of weeks maybe and they scheduled my tour and I went out with a retired Marine colonel who's one of our best guides," he said. "He carried with him a stack of historic photographs that was probably three-quarters of an inch thick. I thought, what's he need all these for? But what he needed them for was to explain the course of the battle. Because so much of what the commanders could see in 1863 was obscured by vegetation that had grown up. And it was at that moment, I can remember thinking to myself, something's got to be done about this."

Is it possible to return vast tracts of land to their appearance in 1863? On the Park Service's website, Latschar explains that he is drawing on maps, participant reports of the battle, diaries, and newspaper accounts for a description of the battlefield's original condition. If that sounds straightforward, consider how little anyone knows for certain about the site's prewar appearance. Very few photographs of the Gettysburg outdoors from before the battle exist. William Frassanito's *Early Photography at Gettysburg*, published in 1995, identified M.S. Converse's map as the lone relatively detailed one available in July 1863, and the Converse map did not portray woods, hills, ridges, and other topographical features. General G.K. Warren and his team of military engineers made a sweeping survey of the battlefield in 1868 and 1869, then revised the map in 1873. But even the Warren map, the most authoritative made after the battle, has gaps and errors. "It is my cumulative observation," writes Frassanito, "that the finished product of 1873 more accurately reflects the appearance of the battlefield in 1869 than in 1863."

The scale and complexity of the carnage at Gettysburg has made it difficult to understand much about it. The approximately 1,328 markers and monuments scattered about the grounds are a stellar collection of public sculpture, but, individually and as a whole, they reflect "a constructed view of a certain version of the past, rather than a factual description of some historical truth," according to Thomas Desjardin's *These Honored Dead: How the Story of Gettysburg Shaped American Memory*. Many of these iron, bronze, and stone structures were placed in the 1880s, and most excluded the Confederates. Apocrypha that still surrounds Little Round Top and other areas originated not in the infallible testimony of eyewitnesses but in remembrances blurred, biased, or invented. Desjardin argues convincingly that "there is no 'what really happened' at Gettysburg; only a mountain of varying, often contradictory accounts that are seldom in accord, all tainted in some way or other by memory, bias, politics, ego, or a host of other factors."

Nobody learned the practical limits of such research faster than the battle's first historian, John Bachelder, who received $50,000 from Congress in 1880 to write a history of the event. In spite of the numerous interviews Bachelder conducted with eyewitnesses and participants soon after the battle and in subsequent years, he never produced the history for which he was paid. Flaws found in his maps, plus the intractable conflicts he found in the collective memory, defeated his attempt to make the story cohere. Soldiers and commanders alike said they found their experience incomprehensible, their vision clouded by fields curtained in smoke. General Abner Doubleday wrote to Bachelder in this chastened

In 1884, Paul Philippoteaux painted the Gettysburg Cyclorama, a 377-foot-long depiction of Pickett's Charge. Painting courtesy of the Gettysburg National Military Park Museum. (Photographed by Sue Boardman, Gettysburg Foundation.)

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spirit five years after the congressional appropriation: "It is difficult in the excitement of battle to see every thing going on around us for each has his own part to play and that absorbs his attention to the exclusion of every thing else. People are very much mistaken when they suppose because a man is in a battle, he knows all about it."

Much of what we think we know about Gettysburg is knowledge gained at a remove beyond the experience of the battle. Paul Philippoteaux and his team painted the Gettysburg Cyclorama in 1884 from ten photographs by William Tipton, photos that depicted the battlefield as it was in 1882, not 1863. Photographers like Mathew Brady, Alexander Gardner, and the Tyson brothers, Charles and Isaac, circulated the earliest images of the battlefield. At Antietam, Gardner had supplied many urban newspaper readers with their first glimpses of dead soldiers. At Gettysburg, he captured images before the burials finished. How easy it is to forget, in light of his achievement, that neither Gardner nor anyone else photographed the battle itself.

But suppose the evidence was overwhelming. Suppose an abundance of available pictures, eyewitness accounts both reliable and comprehensive, and maps could guide history's eye with flawless accuracy. The question would still remain: Why should battlefield visitors want to "almost feel the bullets"?

Earlier generations of tourists brought more modest expectations. In 1869, the Katalysine Springs Hotel opened in Gettysburg on the heels of news that a medicinal spring had been discovered west of town. The hotel offered 300 guests use of a billiard room and bowling alley, as well as a cupola that provided a panoramic view of the battlefield. This vantage point, high above the grounds, became very popular. In 1878, a private developer constructed an observatory on East Cemetery Hill, which also offered a panoramic view. The War Department raised five steel observation towers overlooking the battlefield. In 1974, a developer erected a tower more than 300 feet tall over the strenuous objections of preservationists.

Latschar demolished this structure (the National Tower, as it was called by its owner) in 2000—a key symbolic moment in his drive for rehabilitation. The towers enforce a moral distance between the seer and the scene. Accordingly, the early ones sprung up when memory of the suffering at Gettysburg was still raw. But towers also impede the ability of visitors to *experience* the battle; and experience is what today's battlefield managers aim to provide.

To truly experience what it was like to be at Gettysburg, we would need to lie with soldiers as they bled to death, groaning in pain; rotting corpses with missing limbs; streams running red; winds swarming with flies; air smelling of burning horseflesh. As we cannot know the precise cartography of the battlefield, or the movements of every soldier, or the location of every tree, so we should not try to leap backward into authenticity, or expect to become an eyewitness to history simply by showing up. The arrogance laid up around this expectation is astonishing. At Gettysburg, as elsewhere, the parties of preservation, restoration, and rehabilitation seek to transport us forward into the past by scrubbing off the blemishes of time. But, in offering the illusion of authentic experience, inviting us to "almost feel the bullets," they promise both too much and too little: They forget that historical suffering must be regarded from a distance if tragedy is to make us humble—or even be understood at all.

If a battlefield is not a locus of authentic experience, then what is it? A shrine? A classroom? The trees may teach us something yet. As flesh decayed at Gettysburg, it fertilized the earth for new vegetation. What the Park Service calls "non-historic trees"—that is, trees which grew after 1863—once were seedlings. Since then, in the changefulness of the seasons, they have formed a palimpsest, offering the closest we may come to communing with the lost souls of the battle. "As he gazed around him the youth felt a flash of astonishment at the blue, pure sky and the sun gleaming on the trees and fields," Stephen Crane wrote in *The Red Badge of Courage*. "It was surprising that Nature had gone tranquilly on with her golden processes in the midst of so much devilment."

Most of us, like my wife Anna on Seminary Ridge, intuit the connective tissues of trees and grief. That humans plant trees on grave sites is a spiritual fact of great and ancient significance. Homer signals a transition from war to peace by telling how Odysseus, returning home, found his father tending a young fruit tree. Ovid, in *The Metamorphoses*, tells of Cyparissus "begging the gods to … let him grieve forever" after he accidentally kills a stag: "As his lifeblood drained away with never-ending tears, his limbs began to take a greenish cast; and the soft hair that used to cluster on his snow-white brow became a bristling crest. The boy was now a rigid tree with frail and spiring crown that gazes on the heavens and the stars." The trees on Seminary Ridge were a standing reminder of the pity and terror of tragedy. Those who run Gettysburg would grasp this—if only they were less obsessed with authenticity and more inclined toward history. ◆

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Stanley Kauffmann on Films

DEATHS AND LIVES

The Polish director Andrzej Wajda, who has had a sixty-year career, crowns it with a consummate film. *Katyn* seems to be the work that he has been moving toward all of his busy life. Katyn Forest is the place, or the main place, where more than twenty thousand Poles were massacred in 1940. Most of them were army officers, some of them were intelligentsia—professors, lawyers, doctors, scientists. Wajda's father was one of the officers. *Katyn* is thus something other than just one more film for Wajda.

A hot controversy flared about responsibility for the Katyn slaughter. The Soviets, who in fact were responsible, tried to pin the guilt on the Germans, who were murdering elsewhere in Poland at the time. For decades it was strictly forbidden in People's Poland under the USSR to suggest that Moscow was involved in Katyn. But after the end of Soviet communism, the guilt of the Soviets was established. Stalin had wanted to crush in advance any possible Polish resistance to Soviet control after World War II; so he had all these possible leaders shot in the head and blamed the Germans. (One purpose of Wajda's film is to underscore Stalin's guilt.) We see a few of the executions. These add to the horror of the deaths in a particularly macabre way: those executions emphasize the grim workaday persistence of shooting all those men in the head one by one. Not even machine guns or gas.

The films of Wajda's life have ranged widely in intent, but he is rightly linked with the subject of World War II. Three of his earliest features were *A Generation*, about the Warsaw Ghetto uprising in 1942; *Kanal*, about partisans in 1944 under the German occupation; and *Ashes and Diamonds*, about immediate postwar states of mind. Several others during the sixty years have returned to that period. All the Wajda films that I have seen, whatever the theme, were staunch in fervor and humane in essence, but they were sometimes a touch heavy and self-conscious. *Katyn* seems the work of a reincarnated artist, sure, deep but simple. From its first moments, the film feels like the beginning of an acquaintance that will last.

KATYN
Koch-Lorber Films

TOKYO!
Liberation Entertainment

First, swirls of clouds and ominous skies. (The music by Krzysztof Penderecki haunts the picture then and thereafter.) The clouds thin away, and we are on a bridge in September 1939. A group of people coming from one side meets others coming toward them. All are Poles. The ones on the left are fleeing the Germans, the ones on the right are fleeing the Soviets. Only a week or so after the signing of the German-Soviet non-aggression pact, the Germans are invading from the west, the Soviets from the east, to divide Poland between them. The atmosphere for the central catastrophe is in place at once.

Then the several stories begin—stories that take place before and during and after the Katyn disaster. The screenplay is by Wajda and three others, one of them Andrzej Mularczyk, author of the novel that is the picture's chief base. These writers use the fact of the massacre like an immense radiological core that affected some who were not murdered. Wajda himself says that *Katyn* is "a film about individual suffering, which evokes images of much greater emotional content than naked historical facts." His film weaves the garments of that suffering—and of desperate courage.

The first of those interwoven stories, the dominant one, concerns a Polish captain named Andrzej, his wife Anna, and their small daughter Nika. Andrzej and his regiment have been detained by Soviet troops. Amid tides of fleeing people around them, Anna pleads with Andrzej to escape, which he could do, and come with her and Nika. He cannot. He has his officer's oath. It doesn't seem intrusive to suggest that this scene may be autobiographical for Wajda (represented by the daughter, of course—Wajda grew up in a military garrison and may indeed have been part of such a moment). Anna and Nika leave: Andrzej rejoins his regiment. In time we see the results of his decision.

One of the other stories involves Andrzej's parents—his father is a professor whose university is smothered by the Germans. Another is about an officer who survived the massacre somehow and later finds himself in the army of Soviet-dominated People's Poland, even after he knows (but is forbidden to say) that the Soviets were the Katyn killers. The stories of relatives and friends are on the screen much more than Katyn itself, but the effect of Katyn is never absent.

The beautiful texture of this film furthers Wajda's purpose. The cinematography by Pawel Edelman drains the film of color when necessary to a black-and-white that looks exactly that way—shots from which color has been drained. Through other scenes, Edelman's camera seems to have reached into the dark and brought the faces forth. The acting is flawless. Wajda has cast his film with people who have talent and understanding. Besides his film life, he has also been

ANTHONY RUSSO

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active in the Polish theater, and we almost feel that he drew this company from a national ensemble. (There is a theater reference—one passing suggestion of *Antigone*. A young woman wants to give her murdered brother a fitting burial.) In particular, Artur Zmijewski as Andrzej and Maja Ostaszewska as Anna are quietly forceful. Wajda, consistent in tone, keeps them and all his actors on the outer edge of understatement. His control is masterly. Inevitably, when we remember that this film was directed by a man in his late seventies, this mastery leads to the thought that Wajda wanted to make this work before it was too late. It is a benefit to the world's film treasury that he succeeded.

One evening in 1939, exactly when the Germans and Soviets were invading Poland, I was at a ballet performance in New York. An announcement was made that a leading man in the company, a Pole, had asked to do a special piece as his Polish declaration of protest and love. (I forget his name.) He then came out and performed a solo dance to a Chopin polonaise, which was not much as ballet but was nonetheless overwhelming. I thought of that dancer, of the audience's wave of sympathy and helplessness, when I saw the last shot of Wajda's film—which I won't disclose.

Anthology films used to come along fairly frequently, films composed of three or four shorts, usually made by the same number of directors and often with a theme (the city of Paris, say) or all written by one author (Somerset Maugham, say). Such a film has the advantage of a magazine or a print anthology over a novel: if a novel disappoints after a few pages, we are stuck. With an anthology, there are chances for recovery.

Tokyo! is an anthology film, which needs no recovery. An exclamation point in a title often means fear on the maker's part that the work will seem dull. Here it has a real ex post facto purpose—a chuckle afterward because none of these three short films, made in Tokyo with Japanese actors, was directed by a Japanese. The "!" possibly means "Yes, it really is."

The trio has a common theme: denial of society, refusal of social norms. The first one, *Interior Design*, is the quietest: the theme slides in sideways. A young woman, Hiroko, and her filmmaker boyfriend visit a young woman in Tokyo. The boyfriend is crammed with ambition; so are their hostess and her boyfriend. Hiroko, congenial enough, has no particular ambition. She just floats along with the filmmaker and others in an amiable way. Time passes, and separation occurs between Hiroko and her gent, mostly because of her lack of drive, congenial though she is. A couple of years later, long gone from the filmmaker, she writes him that she is still floating along, not keenly motivated and quite comfortable about it. Michel Gondry, the Frenchman who directed the sparkling *Eternal Sunshine of the Spotless Mind*, makes the visual most of dailiness throughout.

Merde, directed by another Frenchman, Leos Carax, renders the theme violently. A man, not Japanese, emerges from a Tokyo manhole. He is no knockoff of Harry Lime in *The Third Man*: he is ragged and aggressive, stealing cigarettes and flowers as he passes people, filching a crutch for a while from an impaired man, in general being an irritant. (Denis Levant makes the most of the film's most vivid role.) Then he disappears into another manhole. Eventually he gets involved in serious crime, is arrested in a sewer, and is brought to trial. He cannot or will not speak any known language: he communicates by various gestures and odd sounds.

The case is telecast globally, and a Paris lawyer says he understands the prisoner's language, travels to Tokyo, and interprets. (Explanations—of why the lawyer knows the language, of who the stranger is—are not this film's concern.) It comes out, through translation, that the anonymous prisoner is or was a civilized man who hates people and loathes society and has chosen to live as he does. Despite the lawyer's defense of his client's oddness, the stranger is sentenced and hanged. But that is not the end.

Shaking Tokyo, which lives up to its title, was directed by a South Korean, Bong Joon-ho. It deals with a *hikikomori*, evidently a term that the Japanese language has in stock—an apartment shut-in. This one lives on remittance money from Pa and on pizza deliveries. Clean-shaven and presentable though he is, this young man keeps to his lair just because he wants to. One day the pizza is delivered by a pretty girl, and the earth shakes. Presumably it is an earthquake tremor, but it is perfectly timed for this pair. She is frightened and never returns. He learns her address and goes in search of her. (Technical note: he races through absolutely empty Tokyo streets, with not one person or moving car. Anyone who has ever been in Tokyo knows that this is as much a surprise as discovering Times Square in the middle of the Sahara.) At last he finds her, just as another earthquake shivers on cue. What will then happen we do not know.

The first episode seems slight until we see the rest of the picture, which highlights its point. The second and third shorts dramatize more vehemently what is on Hiroko's mind and make her clearer. All three of these protagonists are cousins of Melville's Bartleby. That scrivener rejects the world, saying, "I would prefer not to." In their own ways, and in one case aided by fantasy, these three in *Tokyo!* are saying the same thing. Interesting! ◆

David Hajdu on Music
KEYS TO THE KINGDOM

One grave away from Chopin and not far from Balzac and Jim Morrison in Père-Lachaise, the Parisian cemetery and tourist hotspot, lies the French-Italian pianist Michel Petrucciani. He died ten years ago this January in New York, the city where he had made his reputation as a jazz tyro, and when his body was returned to France for his burial, thousands of mourners filled the streets of the 20th arrondissement. One of the French radio channels played no music but his for twenty-four hours. Chirac praised Petrucciani for his "passion, courage, and musical genius" and called him "an example for everyone."

MICHEL PETRUCCIANI
Anniversary Series

Of what, exactly, was Petrucciani an example? Chirac was no doubt referring to what he described, in proto-Oprahish terms, as Petrucciani's "courage"—the tenacity and the inclination to defiance which seemed, in Petrucciani, triumphs of the mind and the heart over the body. Petrucciani, a musician of rare power and expressive confidence, suffered—truly suffered, in lifelong pain—from osteogenesis imperfecta, the "glass bones" disease. For most of his thirty-six years, Petrucciani could not bear the weight of his own body without leg braces or crutches. He never grew past the height

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of three feet, and he typically weighed about fifty pounds. He was as fragile as his art was robust, his life as tenuous as his music is durable.

Over the course of this year, Dreyfus Jazz, the French-American label, will issue remastered, repackaged, and in most cases expanded versions of the ten albums that Petrucciani recorded for the label in his last years, as well as a two-DVD set of documentary and concert footage not previously released in this country. The series is an overdue reminder of the ecstatic power of Petrucciani's music. I cannot think of a jazz pianist since Petrucciani who plays with such exuberance and unashamed joy. Marcus Roberts and Michel Camilo have greater technique; Bill Charlap and Eric Reed, better control; Fred Hersch has broader emotional range; Uri Caine is more adventurous. Their music provides a wealth of rewards—but not the simple pleasure of Michel Petrucciani's. With the whole business of jazz so tentative today, you would think more musicians would express some of Petrucciani's happiness to be alive.

The power Petrucciani communicated, as a pianist, was the force of a will, a muscularity of the mind. He admired and emulated Duke Ellington, but had to simulate the effect Ellington and some other strong pianists have achieved by using more of their bodies than their hands. (Ellington, like Randy Weston today, put his lower arm weight into his playing to give it extra heft.) Petrucciani generated power through the speed of his attack. His force was willed; but, in the determined gleefulness of his playing, it never sounded forced.

Giddily free as an improviser, Petrucciani trusted his impulses. If he liked the sound of a note, he would drop a melody suddenly and just repeat that one note dozens of times. His music is enveloping: he lost himself in it, and it feels like a private place where strange things can safely ensue. Today, when so much jazz can sound cold and schematic, Petrucciani's music reminds us of the eloquence of unchecked emotion. "When I play, I play with my heart and my head and my spirit," Petrucciani once explained to an interviewer. "This doesn't have anything to do with how I look. That's how I am. I don't play to people's heads, but to their hearts. I like to create laughter and emotion from people—that's my way of working."

Born in Orange, near Avignon, in 1962, Petrucciani was raised in Montelimar. Essentially the Texas of France, Montelimar has a people who take fierce pride in their southern identity, distrust those northern elitists, speak with a twangy accent, and revel in the telling of tall tales. "Michel was really into bullshitting," remembers one of Petrucciani's friends, the French journalist Thierry Peremarti. "Michel would lie to your face. That's one of the reasons he didn't get more press. He pissed off a lot of people. He was from the south—you talk, you talk, and you say nonsense." In 1980, Petrucciani told a *People* magazine reporter that he had raced Harleys with the Hell's Angels and had gone hang-gliding with eggs between his toes.

There are four categories of osteogenesis imperfecta (OI), a family of disorders involving genetic dysfunction in collagen production. The first is Type I, which is so subtle that it frequently goes unrecognized and untreated. Type II is the most severe, usually lethal upon birth; the victims' bones crumble at first touch. Petrucciani was born with a moderately acute kind of OI in a group overlapping Type III and Type IV: his bones were so weak that they fractured more than a hundred times during his childhood. Any kind of movement was difficult and usually painful. Petrucciani could not walk at all until adolescence, when his bones strengthened somewhat (like those of all teenagers, including OI sufferers). He had physical deformities typically associated with OI: distorted facial features, a protruding chin, bulging eyes, and curvature of the spine. In most cases like Petrucciani's, life span is diminished, and in those instances where the patients reach middle age, deafness usually occurs.

"He was in pain all the time," recalled his father, Tony Petrucciani, a part-time guitarist in the Grant Green mold. "He cried. I bought him a toy piano." The keyboard looked like a mouth to Michel, and he thought it was laughing at him, so he smashed it with a toy hammer, and his father got him an old full-size upright abandoned by British soldiers at a military base. From the age of four, Michel spent virtually all his free time, which was abundant, at the piano.

Petrucciani was twelve years old and looked like a toddler when his father started carrying him into jam sessions around the south of France. He was thirteen when he made his professional debut at the Cliousclat Festival in the southern district of Drôme. "My European promoter told me, 'We got to do a tour with this little cat,'" remembers Clark Terry, the trumpeter. "I didn't believe him. When I heard him play—oh, man! He was a dwarf, but he played like a giant. I said, 'Listen, little guy—don't run away. I'll be back for you.'" Within two years, Petrucciani would be performing regularly in French jazz festivals, first with the expatriate American drummer Kenny Clarke and shortly after that with Terry.

During his first years performing and recording professionally, Petrucciani's specialty was youthful over-compensation. His piano playing, though already tinged with the romantic lyricism that would later distinguish it, tended toward defensive demonstrations of virtuoso technique and speed. Without having yet come to a mature understanding of what he wanted to say, he said little but did so really, really fast. He projected swaggering, roguish macho—a youngster's fantasy conception of continental virility. He called everybody "baby" and wore a yachtsman's cap. "He acted tough and pushy, and his playing was tough and pushy," says the writer and trombonist Michael Zwerin, who was living near Petrucciani and met him when the pianist was fifteen. "He knew how to say 'motherfucker' in French."

A fellow named Jean Roche lived near Zwerin and the Petruccianis, and he had experience with audio recording. (When Olivier Messiaen decided to experiment with bird sounds in his music, it was Roche who hid in trees and recorded the chirping.) Roche came into a bit of money and spent a sizable portion of it building a lavishly equipped recording studio near his home in the rural south. To give himself practice at engineering, Roche offered some nearby jazz musicians free access to the studio. Zwerin, Michel and his brother Louis Petrucciani (a bassist), and the French-Italian drummer Aldo Romano, who was vacationing at his parents' home nearby, spent most of a week there making Michel's first album, aptly titled *Flash*. "It's kind of sloppy and everything needs another take, but it swung, and it certainly shows off Michel well," says Zwerin, who served as titular leader of the sessions.

"We were sitting there wondering what to play," he remembers. "It was kind of hot. And Michel said, 'Anybody know "Giant Steps"?' Neither Louis nor I wanted to admit we didn't really know it. So there was this great silence. And Michel said, 'Well, *I do*!' And he pounded into a solo version of it at a very fast clip, and it was really amazing. That to me is Michel—'Well, *I do*!' Man, a confidence you wouldn't believe."

ANTHONY RUSSO

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From the moment Petrucciani found he could excel at the piano, I think, what he could *do* overcame what he *was* as his source of identity. *I play jazz piano, baby, and I do it faster and more fancily than anybody. I do, therefore it doesn't matter what I am.*

Near the end of his life, Petrucciani looked back on his early career and called Aldo Romano his "guardian angel." The drummer, a generation older than Petrucciani, describes himself as Petrucciani's second father and remains proud of having helped Petrucciani pull away from the first one. "He wanted to see the world," recalls Romano. "But Michel was very fragile, and so everybody in his family was afraid. And also you have the problem of his father, because his father was an idiot. He didn't trust anybody. He wanted to keep him as a partner, to play music with. He was very jealous. So I had to fight to take him to Paris, because his father didn't want me to, because he wanted to keep him, like you would cage a monster."

After a brief visit to Paris and a return home in the autumn of 1980, Petrucciani moved into Aldo Romano's house in Bezons on the western perimeter of Paris and began his life as an adult professional. His music took on a new warmth and delicacy, a confidence in place of cockiness, and his grown-up personality—not just an emulation of his gangster heroes, but his own amalgam of southern French wile, musical sensitivity, and the bright, sparkling energy often associated with his genetic condition—began to emerge.

Petrucciani, who was always aware of the limited life span of OI sufferers, worked fast. Through an introduction by Romano, Petrucciani signed a recording contract with Owl Records, a French independent run by Jean-Jacques Pussiau, a former photographer, and he recorded six albums within three years. "He was always in a hurry," recalls Pussiau. "He said, 'Jean-Jacques, I don't want to lose time.'" The albums—especially the last two, *Note 'n Notes* and *Cold Blues* (both recorded in 1984)—are irresistibly precocious records, over-stuffed with ideas. Though most of this music is now difficult to find, there is an easy-to-get compilation of fifteen exemplary tracks, *The Days of Wine and Roses: The Owl Years (1981-1985).*

"We had an exceptional relationship," Pussiau says, "because I carried Michel in my arms very, very often. That creates a very strange intimacy. You know what it is to hold your child in your arms? I could feel his heart beating against my chest. I used to go on the stage and pick him up, and he was full of sweat. I would carry him away, and his sweat would soak through our shirts and onto my skin. Sometimes, when I used to carry him, he would bite my ear. We'd walk into a restaurant, and he'd *chomp*."

Petrucciani found success easily in France. "We did a tour together (in France), and the first place we played was packed," remembers Lee Konitz, with whom Petrucciani recorded a fine duet album, *Toot Sweet*, in 1982. "I said, 'Oh, man—my time has finally come.' Then I realized this little guy was the big attraction. He had just skyrocketed." The Petrucciani-Konitz duets, reissued here on the Sunnyside label, capture the maturing Petrucciani in a mode of harmonic exploration. That is to say, he is doing his best Bill Evans (especially on the first track, "I Hear a Rhapsody," which Evans himself had done as a duet, with the guitarist Jim Hall).

In 1981, Petrucciani had himself fitted for leg braces and crutches, rendering him independently ambulatory (at short distances) for the first time in his life, and he left for America, breaking away from both his family and Aldo Romano. "He didn't feel free with me," says Romano. "So he had to kill his second father somehow to move on. He needed to escape. He needed to go very far, as far as he could go, and that was California."

Petrucciani may or may not have stopped in Manhattan for a while. Although I have been unable to find anyone who actually saw him in New York this early, musicians have circulated stories that Petrucciani would tell about his first stint in the city. In one, he scammed his way to New York on bad checks, then had to hide out in Brooklyn with the help of Sicilian family connections. In another, he played piano for trade in a midtown brothel, where he learned the secrets of love. (Music-parlor prostitution in 1981? Where were the riverboat gamblers and runaway slaves?)

In Northern California, Petrucciani met his last mentor: Charles Lloyd, the saxophonist and self-styled mystic who had dropped out of the music scene for most of the previous decade. Petrucciani, then eighteen, visited Lloyd, then forty-three, at his house in Big Sur, and they began playing together. Lloyd decided to return to the road, with Petrucciani as his pianist. "Michel was like a son, and I loved him," Lloyd told me. "In his youthful innocence I recognized a quality one does not often find in another human being. Every inch of his small frame was filled with creativity and intelligence." Put another way, "Michel kicked Charles in the ass," says Peremarti. "Michel had something special, and Charles saw that right away. It made him pick up the saxophone."

By late summer, in 1984, Petrucciani was ready for New York. "He was one of these total natural cats who could just sit and play with anybody, any time, any tune, whatever we were playing," recalls the saxophonist Joe Lovano. "Michel was the most magical cat I ever knew, man. When all the 'young lions' stuff was happening, Michel was the youngest, baddest lion out there. But because of his condition and he was from France or whatever, he didn't get tied in with all those cats, and he blew them all completely away."

The first time I saw Michel Petrucciani, a friend of his was carrying him into Bradley's, the tiny piano-jazz club in Greenwich Village where I spent most of my nights and salary in the 1980s. I had grown up in suburban New Jersey with a neighbor my age who had osteogenesis imperfecta. His name was Joey Bascai. His parents pulled him around in a wagon, but he used to like playing baseball. His father would pitch to him carefully, since a wild throw to his chest or head would have been devastating; he could swing the bat and do it well, and the rest of us kids would take turns as his runner. When I saw Petrucciani's friend walk past me with Petrucciani in his arms, I read all my old feelings about playing ball with Joey into his eyes: a vertiginous mixture of exhilaration in being part of the kicky little guy's fun and terror in the knowledge that it could end horribly in an instant. The bar crowd cleared a path from the door to the piano, and Petrucciani screamed, "Get out of my way, motherfuckers!"

Over the next few years, I saw Petrucciani a dozen times at Bradley's and the Village Vanguard. He recorded roughly an album a year for Blue Note, including some gorgeous work with Wayne

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Shorter and Jim Hall. *Power of Three*, the trio album they recorded live in Montreux in 1986, may well be the most robustly emotive work of jazz recorded in the 1980s. Petrucciani's music had reached full bloom. He was improvising with loving, playful winks at every style from Harlem stride to free jazz, and he was composing tuneful, idiosyncratic pieces indebted but not wholly beholden to Monk and Ellington.

"I've never been around anyone who loved to live like Petrucciani—and live life to the fullest," says Mary-Ann Topper, his manager during his breakthrough years in New York. "He said to me, 'Mary-Ann, I want to have at least five women at once, I want to make a million dollars in one night'—things that were probably impossible. But had Michel ever thought that anything was impossible, he would have never done anything he did." As Petrucciani himself said, "I'm a brat. My philosophy is to have a really good time and never let anything stop me from doing what I want to do. It's like driving a car, waiting for an accident. That's no way to drive a car. If you have an accident, you have an accident—*c'est la vie*." Fond of wine since his early adulthood in Paris, Petrucciani was now widely known to be drinking to excess and said to be enhancing his appetite for alcohol with cocaine.

In his last years, Petrucciani worked at a manic pace, performing more than a hundred solo piano concerts per year—140 in 1998 alone. Too weak to stand with crutches, he was now using a wheelchair regularly. "He was working too much—not only recording and doing concerts, but he was always on television, and he was always doing interviews," recalls Bernard Ivain, Petrucciani's manager in his final years. "He got himself overworked, and you could see it. He pushed too much." Late in 1998, Petrucciani decided to slow down. "He couldn't keep up that pace anymore—he was physically exhausted," says François Zalacain. A few days into the new year, he was admitted to Beth Israel Hospital in New York, and he died there, of a pulmonary infection, on January 6, 1999.

Among the musicians Petrucciani phoned in his last days was Wayne Shorter. "He and I talked, and he said he comprehended that he was sick—that was an important thing," recalls Shorter. "There's a lot of people walking around, full-grown and so-called normal—they have everything that they were born with at the right leg length, arm length and stuff like that. They're symmetrical in every way, but they live their lives like they are armless, legless, brainless, and they live their life with blame. I never heard Michel complain about anything. Michel didn't look in the mirror and complain about what he saw. Michel was a great musician—a great musician—and great, ultimately, because he was a great human being, and he was a great human being because he had the ability to feel and give to others of that feeling, and he gave to others through his music. Anything else you can say about him is a formality. It's a technicality, and it doesn't mean anything to me." ◆

Danielle Allen
A MORE PERFECT MONUMENT

DEMOCRACY AND KNOWLEDGE: INNOVATION AND LEARNING IN CLASSICAL ATHENS
By Josiah Ober
(Princeton University Press, 362 pp., $29.95)

How does one learn to construct and to lead a republic? Monarchies do not provoke this question, or at least not with the same urgency. When King George III took the throne in Britain in 1760, he had some thirty-three predecessors in England alone, if one goes back only to William the Conqueror, and fifty-odd predecessors if one goes back to Egbert, the first "King of All England," in the ninth century. George had all this history to consider, and also the histories of other monarchies and hierarchical structures the world over. When Alexander Hamilton, John Jay, James Madison, and their colonial friends framed and defended a Constitution for a newly united federation of American states, they, too, turned to history—but they had fewer examples on which to draw. They looked to the ancient Greek city-states, to the republics of northern Italy, to the Germanic League, and, of course, to the Roman Republic, from which they would take their greatest inspiration. They would have leapt for joy to have read Josiah Ober's new book.

As Hamilton, Jay, and Madison saw it, Greece presented little other than a cautionary tale to the eighteenth-century architects of a new and vast republic. Hamilton was characteristically high-flown:

> It is impossible to read the history of the petty Republics of Greece and Italy, without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrasts to the furious storms that are to succeed. If now and then intervals of felicity open themselves to view, we behold them with a mixture of regret, arising from the reflection that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy, they at the same time admonish us to lament that the vices of government should pervert the direction and tarnish the luster of those bright talents and exalted endowments, for which the favoured soils that produced them have been so justly celebrated.

The late eighteenth century took its view of ancient Athenian democracy primarily from its critics: Thucydides, Xenophon, Plato, Aristotle, Plutarch. Hamilton, Jay, and Madison were espousing the standard line, which was this: although there were differences between cities—as between democratic Athens and oligarchic Sparta—all the Greek city-states were given to instability and suffered ugly demographic crises induced by revolution and war. Moreover, the so-called democracies were not really "governments by the people" at all. As Madison put it, "In the most pure democracies of Greece, many of the executive functions were performed, not by the people themselves, but by officers elected by the people, and *representing* the people in their *executive* capacity."

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Even considered as a republic governed primarily by elite representatives, Athens was to be judged a failure. Its leading statesman, "the celebrated Pericles," in Hamilton's words, routinely "sacrifice[d] the national tranquility to personal advantage, or personal gratification." Most egregiously, according to Hamilton, he started the Peloponnesian War to distract the Athenian populace from efforts to prosecute him for the misuse of state funds. So pure democracy necessarily devolves into either anarchy or rule by a corrupt managerial elite—this is the theoretical claim undergirding the commentary on Athens in *The Federalist Papers* and sustaining the authors' conclusion that Athens could not be a useful model for the citizens designing a new constitution in 1787 for a set of freshly united states.

In the early twentieth century, the sociologist Robert Michels formalized this theoretical claim as the "iron law of oligarchy." Any collectivity larger than a face-to-face society of a few hundred souls must develop formal organization if it is to succeed at pursuing its collective flourishing; and the imperatives of organization, Michels argued, will inevitably drive the evolution of political forms toward oligarchies ruled by a small elite corps of expert managers. On Michels's argument, a long-lived and competitively successful participatory democracy with direct rule by the people themselves—"pure democracy," in the words of Madison—is best understood as something like a unicorn: beloved for its purity, seen only in dreams.

Josiah Ober has made it his life's work to refute Michels's law, and to prove that "participatory democracy" can meet the demands of organization by developing institutional and cultural forms that effectively provide for a group's success over the long-term. By "participatory democracy," Ober means forms of political organization in which ordinary citizens, amateurs, really do make and implement critical policy decisions as well as sustain the systems of reward and sanction that keep the whole democratic machine functioning. A genuinely participatory democracy is not, contrary to our own regime, built around the principle of representation; but this does not mean that representative and participatory institutions are mutually exclusive forms of democratic organization, as I will suggest.

Democracy and Knowledge is the final book in an extraordinary trilogy. It follows *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*, which appeared in 1989, and *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule*, in 1998. This third book incorporates the central conclusions of the first two, and with this volume Ober, by means of a highly original historical argument about Athens, does in fact refute Michels's famous law. How does he do so?

Ober rightly recognizes that Michels's law can be falsified by the identification of a single counter-example: a long-lived and competitively successful participatory democracy that does not devolve into oligarchic rule. Athens, he shows, was that counter-example. To prove this, Ober has to demonstrate that Athens was more successful than other city-states in ancient Greece; that its success was not dependent on external factors (for instance, on the extraction of imperial rents) but on its internal organization; that its organization rested fundamentally on participatory processes; and that the success of those participatory processes is to be explained not by factors such as the ethnic homogeneity of the citizenry or its ideological indoctrination, but by institutional design and cultural practice. In particular, Ober argues, the city's success stemmed from how Athenian institutions and culture allowed for the aggregation and the political deployment of useful knowledge.

After an introductory chapter presenting the ambition and the central ideas of his book, Ober turns to establishing Athens's competitive success within its universe of roughly a thousand city-states. This discussion is a tour de force, amply displaying the value of new technologically based tools of data aggregation and analysis. As a group, the Greek city-states had unusually high standards of living for the pre-modern era. Ober synthesizes vast amounts of research by generations of scholars to analyze relative performance of city-states in terms of aggregate material flourishing, fame, territory size, amounts of public building, international activity, and breadth of usage of coinage; and he correlates these rankings with regime type. Ober finds that within this group of a thousand city-states, those with constitutions averaging out over time to tyranny or monarchy generally performed poorly; those averaging out to oligarchy or full democracy did better; and those averaging out, as a group, to moderate oligarchy—that is, oligarchy with more democratic elements mixed in—did best. But of all the cities, Athens comes out on top. It outperforms both the other pure democracies and also the moderate oligarchies. Moreover, the correlation of the specific data capturing Athens's levels of performance with its historical chronology reveals that Athens achieved roughly equivalent levels of material flourishing after it had lost its empire to those it had achieved while it still had an empire. In fact, Ober convincingly shows that in Athens the existence of democratic political institutions did not follow growth, but preceded it.

Ober handles his data carefully—correcting for various sorts of systemic bias, even re-assessing the data in light of Thucydides's argument that future generations would overestimate Athens's power by paying too much attention to the extent of the city's public building—and his case is persuasive. Athens was exceptional, and historians need to explain its exceptionalism. While the evidence supports a political explanation, Ober cautions that "the simple fact of [Athens's] being democratic, in the familiar majoritarian sense," does not suffice. Many cities with basic majoritarian decision-making mechanisms did not perform as Athens did. One needs to ascertain precisely which features of Athenian institutions and culture generated the city's success.

Ober lays out a range of potential solutions to the problems of collective action that any successful polity might have adopted. Michels's iron law presumes that command-and-control solutions are ultimately the only long-lived ones available in political life; but Ober broadens the range of choices by zeroing in on organizational forms that depend on team and peer relations, instead of command-and-control structures. He notices that in the work of economist Oliver E. Williamson, "Peer Group" structures win out over "Authority Relation" structures in "the area of local innovations which 'involve process improvements at individual stations.'" Drawing extensively and effectively on game theory, behavioral economics, and organizational theory, Ober makes a case that problems of collective action—ranging from prisoner's dilemmas to the tragedy of the commons—can be avoided or overcome if institutions effectively cultivate and distribute relevant bodies of knowledge.

Ober's hypothesis is that Athens's participatory institutions essentially turned the city into a knowledge-generating and knowledge-aggregating machine, and also supported the effective deployment of useful knowledge over time. Athenian

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institutions and culture functioned so that the right useful knowledge made it to the right people at the right time, resulting in the production of consistently better-than-average decisions. Athenian institutions and culture also functioned to provide an effective balance between innovation, on the one hand, and, on the other, learning or routinization, which brings efficiency. To overcome the problem of dispersed and latent knowledge, the Athenians used "networking and teaming." To overcome alignment problems, they built up stores of common knowledge through extensive publicity mechanisms and an emphasis on "interpresence"—frequent and large public gatherings—and "intervisibility" in public spaces, the capacity of all members of an audience to see each other as well as the speaker; and these stores of common knowledge worked particularly well to sustain systems of reward and sanction able to motivate ordinary citizens. To minimize transaction costs in areas such as trade, they standardized rules and exchanged practices and widely disseminated knowledge about them. The Athenians invested more resources than did their competitors in ensuring that their laws did not contradict each other, and in archiving and widely publishing final versions.

Ober devotes the body of his book to "reverse-engineering" Athenian decision-making practices and implementation methods to figure out what made the thing tick, and to see if the evidence emerging from actual Athenian practices supports his hypothesis. Since all this may seem very abstract and theoretical, here is a concrete example. Ober scrutinizes a decree passed by the citizen Assembly in 325-324 B.C.E., which dispatched a fleet to the Adriatic with the goal of establishing a naval station there. The purpose of the naval station was to protect Athenian and non-Athenian ships that transported grain to Athens. This "dispatching" decree, passed by some eight thousand citizens meeting together, assigns specific duties to fourteen different officials or public bodies. The central goal of the decree was to ensure that the city was equipped with the warships it needed for the job, and that all parties involved would be appropriately motivated and held accountable.

So as to understand the operations of the Athenian polity in this instance, Ober analyzes the different ways in which the fourteen officials and public bodies named in the decree would have had the capacity to bring valuable social knowledge (say, about what effectively motivated citizens to fulfill duties of critical importance to the city) or valuable expert knowledge (about what makes the strongest and fastest warships) to bear on determining how to proceed. I cannot here review the details surrounding all fourteen areas of responsibility invoked in the decree, but in one particularly interesting passage the dispatch decree provided for a competition among wealthy citizens to see who could prepare the soundest ships the fastest. The first, second, and third place winners were to be publicly proclaimed at a major public festival, and each would receive a gold crown valued to reflect the place of the finish. As Ober puts it, "the winners [of the competition would] obviously be those trierarchs [ship producers] who can most quickly assemble the necessary team of experts for service on their ships: men capable of getting the ship properly rigged and outfitted, a full complement of expert rowers, an expert steersman, and so on.... The employment of a race points to a concern with maintaining the complex matrix of specialized knowledge that had enabled the Athenian fleet to dominate the Aegean in the fifth century."

The competition was designed to ensure that citizens would seek out the most useful expert knowledge wherever it might be. An underdog competitor could achieve victory by identifying an expert who had previously gone unnoticed. And the public celebration of the winners provided an opportunity to educate the citizenry generally on what counts as expertise in the domain of warship production. Imagine using the Oscars to award military contracts: first defense contractors would build new weapons, and do so by a deadline; then a panel of citizen judges would determine who had produced the best new weapon by that deadline, and the winner would be announced at a nationally televised black-tie affair. This would be an approach roughly equivalent to the competition used by the Athenians to generate new warships. Ober does not make this fanciful comparison, but it helps to make plain one of his fundamental points: the use of participatory structures to democratize the flow of knowledge is fully compatible with drawing on expert knowledge.

Rather than encouraging citizens to turn their backs on expert knowledge, participatory structures, rightly constructed, provide the expertise, like a jewel, with a richer setting. On Ober's

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All of the old buildings that surround it
with their embellishments,
their frills, their flauntings,
have turned away, embarrassed
by how nakedly
outside
outside is here.
At night especially,
nothing is not exposed
to whatever it is
that's looking out
from within the rising of the set back
or jutting, many angled
brick and concrete large
to small to smaller openings
that swallow
whatever light they cast.
At Washington and State,
the wide brick stairs lead up to wide brick stairs
up to the bricked
expanse, the brick field of the benchless plaza
edged here and there by lampposts whose light
spotlights the little public trees
that tremble leafless
and raw in stone tubs
for everyone
who isn't there
to see.

If you were there, walking,
you wouldn't be able to tell
the sound of other footsteps
coming toward you
were your own.
You'd have to hurry not to feel
the feeling of what it is
you're being told
about the feeling of being
looked at, looked through, tracked
by every brick
and concrete
angle of the opaque
openings you can't look up at
into
as you hurry past.

ALAN SHAPIRO

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argument, successful participatory structures educate the citizens in technical areas at least well enough to judge which experts are worth heeding; and ensure that the expertise relevant to any particular issue will be flushed out from wherever it may be hiding; and tap into a distinct kind of social knowledge concerning communal well-being—and criteria for assessing what counts as benefit or harm to the community; and provide more frequent reminders to experts of the limits of their own perspectives, so that their contributions too might be more usefully focused. Regimes that base their safety on secret deliberations among experts walk away from all this valuable intellectual capital.

The heart of Ober's book is given to explaining how distinct features of Athens's institutional structure supplied Athens with the social and epistemic processes that could achieve those ends. As Ober analyzes any number of Athens's idiosyncratic features in this light, they suddenly make good sense. The very complicated structure by which citizens were assigned to ten artificial tribes, out of which lotteried assignments to major state-level governing bodies were made, ensured that the different bodies of knowledge that had developed in different parts of Attica (urban, rural, coastal) were brought together. The fact that the "theater-in-the-round" architectural design emerged in Athens indicates the self-consciousness of the citizenry about how well their meeting spaces could facilitate their learning not only from the speaker but also from each other, as they were able to watch each others' reactions to what was said. The unusual prevalence of such theaters not merely in the urban center itself but also in the countryside reflects the fact that the Athenians achieved scale by joining together small, medium, and larger social units (village, tribe, and city as a whole).

The tension in Athenian jurisprudence between occasions when the citizens chose their own judgment about justice over the law and those occasions when they insisted that they needed to subordinate their own judgment to the law reveals how they balanced innovation and authority. The *thoruboi*, or spontaneous noises of audience members during deliberations among thousands of citizens, were not evidence that Athenian mass audiences were full of ill-mannered ignoramuses, but actually contributed to collective learning. (I was sitting in the audience at a speech by Michelle Obama early in the campaign in which she remarked that her husband would help restore a commitment to the rule of law. I started clapping, alone. But very quickly the room joined me. I had started to clap because I wanted people to recognize that the issue of the "rule of law" was an important one. In joining me by extending the applause, the other audience members in the room took on board that idea. Even in non-verbal ways such as this, citizens engage with and learn from one another. This is what an "epistemic process" looks like.)

I could go on. Any number of mysteries to which individual scholars of Athenian history have devoted whole careers are addressed by Ober, and mostly successfully. This will cause some chagrin and some resistance, as those of us who have worked for years on particular problems see them suddenly, magically resolved. And Ober covers so much ground that a variety of experts are bound to quarrel with particular points (as I would do about the use to which he puts a treason prosecution in his fifth chapter). But Ober does flag controversial issues in his extensive notes, and I spotted no errors of fact, not even in the discussions of complicated Athenian legal procedures. In these chapters he synthesizes vast quantities of prior scholarship—ranging over archaeological, epigraphic, literary, historical, and legal material—to offer the most comprehensive, the most penetrating, and the most explanatory analysis of Athenian institutions to date. The nonspecialist will appreciate the brief chronological synopses of Athenian history as well as the clear and analytically forceful presentation of great quantities of information. The specialist will recognize in this book a depth of learning coupled with a lively imagination such as is achieved by only the greatest historians. As for Hamilton, Jay, and Madison—if they could have read Ober's book, they would have had to revise their opinion of the relevance of the Athenian example to efforts to understand the best course available for the American republic.

Ober's careful historical work and his theoretical framework generate a convincing portrait of a flourishing participatory democracy that overcame real crises (oligarchic coups in 411 and 404-403 B.C.E.), and achieved a stable balancing of the interests of masses and wealthy elites, and responded to collective action problems by developing institutional and cultural solutions that focused on the social distribution and the social valuation of knowledge. These solutions were effective enough to provide the citizens with unusually high levels of per capita income, with distinctively frequent opportunities for self-expression and cultural influence, with a culture that sustained and profited from great amounts of internal dissent and criticism, and with well-protected legal and political rights. The success of this model made Athens the leading destination for immigrants in ancient city-state Greece, and the city's ability to incorporate outsiders further advanced its growth. Moreover, the city used these institutions explicitly to sustain values of liberty, equality, and dignity for all citizens. Does all this sound pretty modern?

But what about slavery and patriarchy, two basic Athenian practices that made that city distinctly un-modern? Athens maintained slavery throughout its existence, and it never granted political rights to women. These two facts often disqualify from the get-go treatments that cast Athens as a source of useful lessons for modern democracies. Athens succeeded, according to one interpretation, only because the wealth extracted from chattel provided citizens with the leisure necessary to carry out their extensive citizen duties. Another view holds that Athens's compromised moral status as a patriarchal and slave society simply prohibits us from admiring it.

About the former point, Ober rightly notes that, since all Greek city-states maintained slavery and barred women from political participation, these phenomena cannot explain Athens's competitive success relative to other cities; and since we cannot explain Athenian success with reference to slavery or patriarchy, the existence in the city of these practices cannot justify dismissing Athens as a useful historical example. But on the second point, the moral one, Ober agrees—not that we should withhold all admiration from Athens, but that the city's failure to end slavery and extend the franchise to women was deplorable. And going beyond the moral question, Ober argues that these practices may have limited Athenian success: the rent-seeking practice may actually have been a drag on the city's economic growth, and the political exclusions certainly deprived the city of the knowledge resources possessed by women and slaves. Here Ober is speculating. The question of the economics of slavery remains highly vexed, and so we cannot take the last suggestion too seriously, much as it would be nice

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to do so, since it seems to give extra force to the moral point.

Yet the moral issue does not actually touch the heart of Ober's argument. He has offered an explanation of Athens's success that depends on neither slavery nor patriarchy, and in this regard he has indeed extracted from the city a usefully "modern," which is to say egalitarian, account of the sources of democratic strength. But whether we designate Athens as a "modern" political experiment is, I think, unimportant. What matters is that Athens is, in Ober's portrait, a useful historical example for current efforts to understand republican and democratic—and American—practice.

So how is it that in the two hundred years between *The Federalist Papers* and the present, our assessment of the success of Athens might have been so thoroughly inverted? The answer is not that old and obtuse dead white guys got it wrong, and we with-it moderns and post-moderns have gotten it right. Rather, the entire evidential base for this discussion has changed in the last two hundred years. Ober's book succeeds so well because he stands on the shoulders of legions of scholars who have been toiling in the vineyards since the nineteenth century to achieve a better understanding of Greece in general and of Athens in particular. Their efforts have yielded genuinely transformative discoveries. Only in the late nineteenth century did scholars discover a document called the *Constitution of Athens*, which summarizes the growth of Athenian institutions from the sixth to the fourth century B.C.E. In the fourth century, Aristotle sent research assistants all around the Greek world to collect details about all the constitutions then in existence, and this text of the *Constitution of Athens* is the only example discovered so far. Whole poems are still being unearthed, as are political treatises; much of Antiphon's "On Truth" was first published only in the early twentieth century. Similarly, a major law concerning coinage, dating to 375-374 B.C.E. and discussed at length by Ober, was unknown until 1970. Even the archaeological remains of the theaters in the Attic countryside are relatively recent discoveries.

In *Federalist* 18, Madison wrote wistfully about the ancient Achaean league: "It is much to be regretted that such imperfect monuments remain of this curious political fabric. Could its interior structure and regular operation be ascertained, it is probable that more light would be thrown by it on the science of federal government, than by any of the like experiments with which we are acquainted." Madison was not referring to Athens, but he might have been. As each piece of new evidence has come out of the ground or emerged between the lines of a palimpsest, scholars working in the areas of Athenian legal and political history, institutional history, cultural history, and literary history have slowly made sense of particular provisions, sentences of text, or practices. Ober has synthesized the work of hundreds of scholars working in this fashion. His bibliography is thirty-eight pages long and in a small font. Building on this work, Ober has sought to ascertain something like what Madison wished for: clarity about the interior structure and regular operation of Athens. His bibliography, and the case for Athens that he has built on its back, are a fine argument for the value of sustained commitments to humanistic scholarship. Over two hundred years, the slow, hard work of humanistic research really does amount to something.

Madison correctly predicted that the fruits of such labor would throw valuable new light on the science of government. Are there, then, insights in the Athenian case, as presented by Ober, that might be useful to the effort to ensure the continued strength of democratic life? What can we know now about America by the fuller Athenian light? This is no idle question. Barack Obama's training as a constitutional lawyer makes him finely attuned to questions of institutional structure. His campaign drew much of its strength from clever, innovative institutional designs that prioritized participatory forms of organization. And Obama himself, during his campaign, more than once argued that he would increase the transparency of government and routinely involve citizens in policy-making. In particular, he stressed that he would approach health care reform differently than in the past; rather than organizing a policy-development process for experts in closed rooms, he would televise all health care hearings and otherwise work to bring the public into the process. Making good on commitments such as this will require another round of imaginative but careful institutional design.

As Ober notes, the immediate usefulness of the Athenian model pertains not directly to nation-states that are vastly larger than the city-state of Athens, with its population of approximately 250,000, but to the wide variety of smaller scale organizations that make up the sub-units of any given nation-state. To unleash the full value of participatory democracy at the level of the nation-state, a citizenry would do best to focus on tapping participatory democracy at the local level and throughout the variety of organizational types that make up modern society. Then there would be the further question of how well each of these sub-units is connected to the rest. If participatory democratic practices on a smaller scale and in various contexts do indeed increase the knowledge resources of the citizenry of a nation-state as a whole, then the structures of representative government, too, should function better. In the epigraph to his book, Ober quotes John Adams, in 1765: "Liberty cannot be preserved without a general knowledge among the people, who have a right, from the frame of their nature, to knowledge.... The preservation of the means of knowledge among the lowest ranks is of more importance to the public than all the property of all the rich men in the country.... In a word, let every sluice of knowledge be opened and set a-flowing."

Athens, as presented in Ober's book, provides many very intriguing examples of specific institutional designs that tapped into the power of participatory democracy to generate increased flows of knowledge and higher levels of well-being for its citizens. It also provides analyses of why some participatory forms, such as referenda, fail to bring much good at all. Is it too much to ask that members of the Obama administration turn to a dense work of ancient history to help them make good on Obama's vision of an American state that combines the resources of representative and participatory democracy? They would take away from *Democracy and Knowledge* at least a few important general ideas.

First, they would receive an emphatic reminder that a transparent, fair, open-access, easily understandable, and non-arbitrary legal system for dispute resolution is a bedrock of republican and democratic flourishing. Second, they would learn that, even in a representative democracy, the structure and the quality of a polity's conversations, considered in relation to the citizenry as a whole, determine both the quality of its collective political decisions and their relative legitimacy as political actions.

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By "structure," I mean the patterns by which opinions form and ideas move both through and across informal and formal citizen networks. Informal networks are neighborhoods, communities, and other social groupings without durable form. Formal networks are institutions and organized media. One discerns the "structure" of the public sphere by mapping conversational relationships, by analyzing where and how groups or institutions or conversational communities have formed, and by tracing conversational relations among them. Are all of a polity's social groups somehow linked to each other through conversational structures? What percentage of the citizenry is so linked? Who is left out or unconnected, and why? Are there any effectively impermeable barriers to the movement of ideas from one group to another? How often are we finding expertise in unexpected quarters? How often are new ideas finding their way into conversations, or are we always hearing the same old thing? These are questions to ask in order to determine the "structure" of the public sphere.

And there are more questions that need asking. Do these conversations support the learning and the routinization of norms of fair play? Do they support the development of genuine knowledge, providing an opportunity to sort true from false, useful from useless, expert from non-expert? Do these conversations allow for the development of critical reason and dissent, and so innovation? As democratic citizens, we also need to ask whether our public conversations are inclusive, egalitarian, autonomy-respecting, transparent with respect to interest, and maximally actualizing of individuals.

I am not suggesting, and neither is Ober, that we might improve our politics simply by tuning in to the infinity of conversations eternally buzzing away among the three hundred million or so of us who call ourselves citizens of this state, or that we might improve our politics simply by encouraging more talk. In the era of the Internet, no further incitement to loquaciousness is necessary. The idea of hearing all of what each of us has to say on every subject is probably appalling to all of us. As we begin to use new technologies that do seem to let us tune into each other in some comprehensive way, many of us do come away horrified. We see too many conversations where interlocutors have abandoned facts and logic. We see an absence of true dialogue, as communities of interest turn in on themselves and attend only to what their like-minded colleagues think. Participatory institutions are valuable not merely if they generate or multiply conversations, but if they structure conversations so as to achieve the goals for a knowledgeable democratic life. And this is easier texted than done.

The idea that something called "the public sphere" is important to the success of democracy has been with us for some time now. But analyses that convert the idea of the public sphere from a philosophical ideal into something concrete, by naming the social practices and interactive processes that actually constitute it, are few and far between. Jürgen Habermas famously offered such an analysis in *The Structural Transformation of the Public Sphere*, when he traced connections in the eighteenth and nineteenth centuries among café societies, the circulation of news through journalism, bourgeois culture, and opinion formation. Now Josiah Ober's book—when was the last time a work of ancient history seemed so, well, relevant?—identifies the concrete components of a democratic public sphere in far greater detail than any previous contribution to this literature. Moreover, it provides us with some criteria for assessing why some ways of structuring the public sphere might work better than others to educate the citizenry, to find and to deploy the knowledge of citizens, and to sustain a real connection between citizens and the policies that their government chooses in their name. As an advance in our understanding of what a public sphere properly is, this book is essential.

America is not Athens, of course. The Athenian examples worked for Athens, and while its principles are still relevant to us, its specific institutional solutions are unlikely to work here and now. But I could not read Ober's book without returning again and again to the perplexities that face us today. *Democracy and Knowledge* sheds light by teaching its readers to analyze not the workings of representative institutions, but the daily lives of ordinary citizens. To what degree do our ordinary practices and activities turn American democracy into a knowledge-generating, knowledge-aggregating entity capable of effectively organizing and deploying what we know on behalf of our collective well-being?

Josiah Ober shows us that Athens knew what the Athenians knew, because the city as a whole had devised institutions that made sure the useful knowledge of the widest possible range of individuals flowed to where it was needed. Have we fully tapped into the resources of participatory democracy to supplement our own representative structures with a citizenry within which all the sluices of knowledge are open and have been set a-flowing? Does America know what Americans know? ◆

Drew Gilpin Faust
THE PROGRESS OF OUR ARMS

TRIED BY WAR: ABRAHAM LINCOLN AS COMMANDER IN CHIEF
By James M. McPherson
(Penguin Press, 384 pp., $35)

In his remarkable *Personal Memoirs*, written in 1885 when he was dying of throat cancer, Ulysses Grant recalled his first encounter with Abraham Lincoln. In March 1864, Grant had come to Washington to be commissioned lieutenant general and to assume command of Union armies that had struggled for three years without effective military leadership. Lincoln had admired Grant's resoluteness in successes from Fort Henry and Fort Donelson to Vicksburg, and hoped that he had at last found his general, the man who could turn the North's superior strength and resources into victory. Grant's memories of their encounter on that day provide a telling glimpse into Lincoln's conception of his role as commander-in-chief, as well as into the frustrations that had plagued him as he searched for the kind of leader that Grant became. Lincoln explained "that he had never professed to be a military man," but had been "forced" by the shortcomings of commanders to take on a far more extensive military role than he either intended or desired. "All he wanted or had ever wanted," Grant reported, "was some one who would take the responsibility and act." Grant would prove to be just that man.

Grant remembered with some bemusement that at that first meeting Lincoln submitted a detailed and comprehensive

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campaign plan to his new lieutenant general, complete with annotated maps indicating proposed movements and lines of supply. But even as he described his ideas, the president insisted that the new general should do exactly as he pleased. Grant noted both the extent and the limit of Lincoln's understanding of the science of war, and took pleasure in his commander's ready and willing grasp of strategic principles as Grant illuminated them.

Educated in war by circumstance and necessity, Lincoln was able to find a general who would act and could win—and in so doing relieve the president of the direct military responsibility that weighed so heavily upon him. But even though Grant may have been less than impressed by the plan that Lincoln presented to him for victory in Virginia in 1864, Lincoln's self-education in strategic thinking had enabled him to recognize Grant's genius, and also to appreciate a philosophy of war incomprehensible to the highly trained generals who had failed to achieve Union victory through three long and costly years of fighting.

In his new book, James M. McPherson, the dean of Civil War historians, reminds us that war was Lincoln's most fundamental and important work. Without military success, nothing else would have been possible—not union, not emancipation, not "a new birth of freedom." As Lincoln himself put it, "on the progress of our arms, all else chiefly depends." Lincoln's duties as commander-in-chief, McPherson observes, required more of his "time and energy than anything else." In the course of the war, Lincoln made eleven separate visits to the Army of the Potomac, spending forty-two days of his presidency in the field. At home in Washington, the president haunted the War Department telegraph office for news: Grant remembered late-night telegraph conversations with Lincoln when he was fighting in West Tennessee well before the two men ever met. In the words of Lincoln's secretary John Hay, the president "gave himself, night and day, to the study of the military situation."

Since the time of his death, Lincoln has been the subject of a steady stream of books—a raging river, really: more than sixteen thousand, by one estimate. His bicentennial birthday on February 12 this year has only intensified the outpouring. A book about Lincoln seems to appear every week. We are given Lincoln the icon, Lincoln the man of ideas, Lincoln the writer, Lincoln the political genius; we have learned about his wit and wisdom, his depression, his marriage, his friends—even the lessons that his life holds for the ambitious twenty-first-century businessman. And we have, of course, seen Lincoln anew through the eyes of another politician from Illinois who sought in the experience of the sixteenth president insight into managing the crises that now confront us. But McPherson argues that we have not devoted sufficient attention, or appreciation, to Lincoln as a military leader.

Since the appearance of his first book in 1964, McPherson has written on a wide range of Civil War topics, beginning his career with a focus on abolitionists and then on the lives of African Americans during the war, and later turning to more military topics and a particular emphasis on soldiers' experiences and motivations. In 1989, McPherson published *Battle Cry of Freedom*, an overview of the war that became a best-seller and remains the best single-volume account of the great conflict. Yet every topic that he addressed seemed to lead McPherson one way or another to Lincoln—as emancipator, as commander, as the determining force in what McPherson called "the second American revolution."

In the 1990s, McPherson found himself at the center of a historiographical controversy about Lincoln and race—more particularly, about the degree of credit that Lincoln deserved for black emancipation. New work in American history was revealing in rich detail the variety of ways in which slaves had acted as agents of their own liberation, fleeing to Union lines in such numbers that Yankee soldiers and statesmen were forced to make the war about slavery, challenging bondage on farms and plantations across the South until the peculiar institution became a liability rather than an asset for the Confederate nation. These historians argued that it was the slaves themselves, rather than the president, who had put emancipation on the wartime agenda. Lincoln's twentieth-century critics pointed out as well how long the president took to embrace black freedom as a war aim, and how the Confiscation Acts of the summers of 1861 and 1862 showed Congress to be far more forward-looking than the president on slavery's future, and how in overturning the ad hoc emancipatory orders of military officers such as John Fremont and David Hunter, Lincoln might even be seen to have cast freedpeople back into bondage.

For more than a decade, McPherson has argued forcefully against any such characterization of Lincoln. He ardently upholds Lincoln's place in history as the Great Emancipator. McPherson has shown that Lincoln carefully managed the art of the possible with a pragmatism that embraced abolition as a war aim only when he could cast it as necessary to victory and to national preservation—causes for which he could generate political support that did not exist for emancipation itself. And McPherson has emphasized that the end of slavery ultimately depended on the military defeat of the Confederacy. Without victory, slavery would not have been destroyed. Lincoln was able to free the slaves—and should be granted the credit for freeing the slaves—because he succeeded in winning the war. In McPherson's view, Lincoln's claim as Great Emancipator is inseparable from his performance as commander-in-chief, and *Tried by War*, chronicling Lincoln's brilliant execution of his military responsibilities, thus serves as well as a significant contribution to McPherson's arguments about the sources of black freedom.

McPherson offers an authoritative and highly readable overview of Lincoln as a military leader, from his decision to resupply Fort Sumter in 1861 through his visit to Richmond after its fall in April 1865, just days before Appomattox and Lincoln's own death. McPherson's narrative is richly informed by his extensive research in fifty years as a practicing historian, but it also distills the work of a wide range of other Lincoln scholars into a volume that can inform the practiced student of the subject even as it welcomes the novice into Civil War history.

Just as the Civil War defined so many other aspects of the nation—the meanings of freedom and citizenship, the perpetuity of the Union—so, too, it presented the Chief Executive with the need to claim for himself the definition of his office: "to establish," McPherson writes, "most of the powers of commander in chief for himself." The Constitution was vague on the matter, stating in Article II, Section 2 only that "The President shall be Commander in Chief of the Army and Navy of the United States, and the Militia of the several States when called into the actual Service of the United States." But the powers that were entailed by this responsibility were nowhere specified, and at the time of ratification Alexander Hamilton had taken pains to reassure those Americans worried about a Constitution that might entrust the president with exces-

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sive power. This clause, he wrote in *The Federalist*, intended "nothing more than the supreme command and direction of the military forces."

The powers and the purview of the commander-in-chief have emerged as matters of recent—and urgent—attention as George W. Bush has invoked the Constitution's language as a legitimation for his own actions as a war president. McPherson does not connect Lincoln directly to our own turbulent time, and he treats with a light and generous hand Lincoln's challenges to civil liberties and the prevailing rules of war in his suspension of habeas corpus and his declaration of a blockade against the southern states. Yet McPherson attributes to Lincoln the invention of the notion of war power, which appears nowhere in the Constitution and was not invoked by any of his predecessors. Lincoln had a clear idea of his duty, and the power justified by its execution. "It became necessary," the president explained, "for me to choose whether, using only the existing means, agencies and processes which Congress had provided, I should let the government fall at once into ruin, or whether availing myself of the broader powers conferred by the constitution in cases of insurrection, I would make an effort to save it with all its blessings for the present age and for posterity." The end justified the means. History has granted Lincoln that judgment, for the most part agreeing that he correctly balanced those specific ends with those particular means. Meanwhile we vigorously debate the appropriate balance still.

Only hinting at current controversy over the powers and the responsibilities of the commander-in-chief, McPherson presents what amounts to a job description for Lincoln as war president, encompassing the dimensions of his role in terms of five functions that he "performed or oversaw." Lincoln was responsible for policy—defining the political goals for the nation in war; for national strategy—the mobilization of all available resources in pursuit of war aims; for military strategy—the role of armed forces in pursuing these policies; for operations—the movements of specific campaigns in service of overall military strategy; and for tactics—the direction of an army in battle. From the outset, Lincoln wanted to focus on the first and the second of these tasks. But until he found Grant, he was compelled to deal with them all.

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McPherson's conceptualization of the president's task in these terms usefully clarifies the shortcomings of the generals to whom Lincoln turned in the initial years of war. George McClellan was at once the most promising and the most disappointing of them. He had graduated second in his class from West Point and was hailed by the press and the public as "the young Napoleon" and "the man of destiny." Appointed general-in-chief of the United States armies in November 1861, McClellan was confident that "I can do it all." But insisting his army was unprepared and outnumbered, McClellan for most of the winter and spring instead did nothing, sorely testing the patience of a commander-in-chief desperate for action and results. Lincoln came to recognize the profound source of McClellan's dilatory behavior. McClellan, he insightfully concluded, "had the capacity to make arrangements properly for a great conflict, but as the hour for action approached he became . . . oppressed with the responsibility and hesitated to meet the crisis." McClellan's fear of the costs of action paralyzed him.

When the general failed to pursue Lee's broken army after Antietam in the fall of 1862, Lincoln had enough. But a replacement was not easy to find. Ambrose Burnside refused twice to take on the command before he reluctantly accepted. He should perhaps have followed his initial inclination, for after the calamitous Battle of Fredericksburg in December, Burnside lasted little more than a month before Lincoln replaced him with his arch-rival Joseph Hooker, who managed a slightly longer but no more successful tenure. In the western theater as well, Lincoln struggled to find generals who could seize opportunities and produce victories. General Rosecrans in Nashville worried the president by demonstrating a reluctance to act that reminded him of McClellan. Lincoln's emerging understanding of military matters and resulting dissatisfaction with his generals forced an evolution in northern command until, by the summer of 1863, Grant's success at Vicksburg and Meade's repulse of Lee at Gettysburg began to turn the tide.

At the heart of the matter was a new reality that Lincoln had come to grasp, a reality that provided the foundation for Grant's Virginia campaign in the spring of 1864, a reality that McClellan had not been able to see—or perhaps could not bear to confront. Northern victory would lie not in maneuver, but in superiority of numbers, in the ability to overwhelm Confederate forces through attrition, determination, and bloody cost. Lincoln called this "hard fighting," and contrasted it with "strategy" focused on movement and geography. "Lee's army, not Richmond is your goal," Lincoln had telegraphed McClellan in exasperation in 1862. Grant knew this, as did his colleagues Sherman and Sheridan. This was a new kind of warfare. This was a kind of warfare that no general had learned at West Point, a kind of warfare that Lincoln grew to comprehend through his own self-education, and that Grant understood through both instinct and experience. As McPherson writes, Lincoln "oversaw the evolution of the war from one of limited ends with limited means to a full-scale effort that destroyed the old Union and built a new and better one on its ashes."

McPherson's recounting of the story of Lincoln's leadership, his remarkable ability to persevere through adversity, to use his common sense and uncommon intelligence to chart a road to victory, amazes still, and reminds us yet again of our extraordinary good fortune as a nation to have had that man in that office at that moment. We are reminded, too, of the seeming hopelessness of the task that Lincoln faced as he took office in 1861. He was so loathed he had not even been on the ballot in ten southern states; the secession of seven states took place before he was even inaugurated. By the time nine months of his presidency had elapsed, northern forces had been ignominiously defeated only miles from the Capitol; efforts to liberate Unionist Tennessee had failed; no military commander seemed to have any plan for effective movement against the enemy; and northern popular opinion was impatient for either military success or political compromise. "The bottom is out of the tub," Lincoln proclaimed in despair. "What shall I do?"

In the face of such odds, he managed to create an army, win a war, and save a nation—setting the stage as commander-in-chief for Union military triumph but also, as national strategist and policy maker, tying war aims to larger purposes—creating the new birth of freedom of which he spoke, and which we are still realizing today. Perhaps this is why, in the season of his two-hundredth birthday, this remarkable president continues to mean so much to us. Abraham Lincoln is, quite simply, the greatest argument against despair in dark times that our history provides. ◆

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Jonathan Chait

WASTING AWAY IN HOOVERVILLE

THE FORGOTTEN MAN: A NEW HISTORY OF THE GREAT DEPRESSION
By Amity Shlaes
(HarperCollins, 464 pp., $26.95)

HERBERT HOOVER
By William E. Leuchtenburg
(Times Books, 208 pp., $22)

NOTHING TO FEAR: FDR'S INNER CIRCLE AND THE HUNDRED DAYS THAT CREATED MODERN AMERICA
By Adam Cohen
(Penguin Press, 372 pp., $29.95)

A generation ago, the total dismissal of the New Deal remained a marginal sentiment in American politics. Ronald Reagan boasted of having voted for Franklin Roosevelt. Neoconservatives long maintained that American liberalism had gone wrong only in the 1960s. Now, decades after Democrats grew tired of accusing Republicans of emulating Herbert Hoover, Republicans have begun sounding … well, exactly like Herbert Hoover. When President Obama recently met with House Republicans, the eighty-two-year-old Roscoe G. Bartlett told him that "I was there" during the New Deal, and, according to one account, "assert[ed] that government intervention did not work then, either." George F. Will, speaking on the Sunday talk show "This Week," declared not long ago, "Before we go into a new New Deal, can we just acknowledge that the first New Deal didn't work?"

When Republicans announce that the New Deal failed—as they now do, over and over again, without any reproach from their own side—they usually say that the case has been proven by the conservative columnist Amity Shlaes in her book *The Forgotten Man*. Though Shlaes's revisionist history of the New Deal came out a year and a half ago, to wild acclaim on the right, its popularity seems to be peaking now. Fred Barnes of *The Weekly Standard* recently called Shlaes one of the Republican party's major assets. "Amity Shlaes's book on the failure of the New Deal to revive the economy, *The Forgotten Man*, was widely read by Republicans in Washington," he reported. "So were her compelling articles on that subject in mainstream newspapers."

This is no exaggeration. *The Forgotten Man* has been publicly touted by such Republican luminaries as Newt Gingrich, Rudolph Giuliani, Mark Sanford, Jon Kyl, and Mike Pence. Senator John Barrasso was so eager to tout *The Forgotten Man* that last month he waved around a copy and announced, "in these economic times, a number of members of the Senate are reading a book called *The Forgotten Man*, about the history of the Great Depression, as we compare and look for solutions, as we look at a stimulus package." Barrasso offered this unsolicited testimonial, apropos of nothing whatsoever, during the confirmation hearing for Energy Secretary Steven Chu. Chu politely ignored the rave, thus giving no sign as to whether he had heard the Good News. Whether or not *The Forgotten Man* actually persuaded conservatives that the New Deal failed, in the time of their political exile, which is also a time of grave economic crisis, it has become the scripture to which they have flocked.

When they say that the New Deal "didn't work," conservatives almost always mean New Deal fiscal stimulus. (Other policies, such as Social Security or clearing the way for unions, clearly succeeded on their own terms, whatever their ideological merits.) And then, in turn, they confuse New Deal fiscal stimulus with Keynesian economics, which is also not exactly the same thing. So let me step back and briefly explain for the uninitiated what Keynesian economics means. We may not all be Keynesians now, but we would all benefit from knowing what a Keynesian actually is.

Prior to Keynes, the economy was held to be self-correcting. The only cure for a recession was to let wages and prices fall to their natural level. The prevailing attitude, as Paul Krugman writes in his recently re-issued book *The Return of Depression Economics*, was "a sort of moralistic fatalism." Keynes upended the orthodoxy in a way that was every bit as dramatic as Galileo challenging geocentrism. He insisted that recessions are not a natural process, or the invisible hand's righteous judgment against our sins, but a simple failure of consumer demand.

When people worry about losing their jobs, they sensibly cut back on their spending. But that decision, in turn, reduces demand for goods and services, which results in reduced income or lost jobs for other workers. Keynes called this phenomenon "the paradox of thrift": what makes sense for individuals turns into a disaster for society as a whole. The recession was therefore a failure of collective action that required government action. Government needed to encourage spending by reducing interest rates or, failing that, to inject spending into the economy directly by deliberately running temporary budget deficits.

At the time, orthodox economists deemed this diagnosis heretical and dangerous, but, in the decades that followed, it became a consensus view. Today economists disagree sharply about how to apply Keynes's insights, with many conservative economists questioning the practicality of large-scale government spending to combat recessions; but the essential framework constructed by Keynes—that recessions are caused by a failure of demand, and that at the very least government should not respond to an economic slowdown by paring back its largesse—is no longer in dispute. Even a right-wing Republican economist such as Gregory Mankiw, a former Bush advisor, writes that "if you were going to turn to only one economist to understand the problems facing the economy, there is little doubt that the economist would be John Maynard Keynes."

But everywhere you look, conservative pundits and elected officials have embraced the pre-Keynesian nostrums. Citing *The Forgotten Man*, they insist that efforts to stimulate the economy are not just insufficient but also counter-productive. Pence has insisted that *The Forgotten Man* proves "that it was the spending and taxing policies of 1932 and 1936 that exacerbated the situation." Sanford, for his part, offered this fiscal diagnosis: "When times go south you cut spending. That's what families do, that's what businesses do, and I don't think the government should be exempt from that process." That is, of course, a perfect description of the paradox of thrift, only put forward as the solution rather than the problem. Governor Tim Pawlenty of Minnesota insisted that "we can't solve a crisis caused by the reckless issuance of debt by then recklessly issuing even more debt," and called for a balanced-budget amendment to the Constitution, which would of course massively exacerbate the present crisis. It is 1932 again in the Republican Party.

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Now here is the extremely strange thing about *The Forgotten Man*: it does not really argue that the New Deal failed. In fact, Shlaes does not make any actual argument at all, though she does venture some bold claims, which she both fails to substantiate and contradicts elsewhere. Reviewing her book in *The New York Times*, David Leonhardt noted that Shlaes makes her arguments "mostly by implication." This is putting it kindly. Shlaes introduces the book by asserting her thesis, but she barely even tries to demonstrate it. Instead she chooses to fill nearly four hundred pages with stories that mostly go nowhere. The experience of reading *The Forgotten Man* is more like talking to an old person who lived through the Depression than it is like reading an actual history of the Depression. Major events get cursory treatment while minor characters, such as an idiosyncratic black preacher or the founder of Alcoholics Anonymous, receive lengthy portraits. Having been prepared for a revisionist argument against the New Deal, I kept wondering if I had picked up the wrong book.

Many of Shlaes's stories do have an ideological point, but the point is usually made in a novelistic way rather than a scholarly one. She tends to depict the New Dealers as vain, confused, or otherwise unsympathetic. She depicts business owners as heroic and noble. It is a kind of revival of the old *de haut en bas* sort of social history, except this time the tycoons from whose perspective the events are narrated appear as the underappreciated victims, the giants at the bottom of the heap.

Mostly Shlaes employs wild anecdotal selectivity. At one point she calls the pro-labor Wagner Act "coercive," and elsewhere she alludes to the subtle anti-Semitism of a newspaper column criticizing opponents of the National Recovery Administration. Shlaes ignores the vastly greater use of violent coercion on *behalf* of employers, or the immensely more common use of anti-Semitic tropes *against* the New Deal. Does Shlaes think that workers were more coercive than capitalists, or that liberals were more anti-Semitic than conservatives? The book does not say, but clearly she wants her readers to come away with this impression.

Shlaes begins every chapter with a date (say, December 1936), an unemployment percentage (15.3) and a Dow Jones Industrial Average. The tick-tick-tick of statistics is meant to show that conditions did not improve throughout the course of Roosevelt's presidency. Yet her statistics are highly selective. As those of us who get our economic information from sources other than the CNBC ticker know, the stock market is not a broad representative of living standards. Meanwhile, as the historian Eric Rauchway has pointed out, her unemployment figures exclude those employed by the Works Progress Administration and other work-relief agencies. Shlaes has explained in an op-ed piece that she did this because "to count a short-term, make-work project as a real job was to mask the anxiety of one who really didn't have regular work with long-term prospects." So, if you worked twelve hours per day in a coal mine hoping not to contract black lung or suffer an injury that would render you useless, you were employed. But if you constructed the Lincoln Tunnel, you had an anxiety-inducing make-work job.

In response to this criticism, Shlaes has retreated to the defense that unemployment was still high anyway. "Even if you add in all the work relief jobs, as some economists do," she has contended, "Roosevelt-era unemployment averages well above 10 percent. That's a level Obama has referred to once or twice—as a nightmare." But Roosevelt inherited unemployment that was over 20 percent! Sure, the level to which it fell was high by absolute standards, but it is certainly pertinent that he cut that level by more than half. By Shlaes's method of reckoning, Thomas Jefferson rates poorly on the scale of territorial acquisition, because on his watch the United States had less than half the square mileage it has today.

Shlaes's actual critique of the New Deal is not easy to pin down. Defining what she believes depends on whether you are reading the book itself or her incessant stream of spin-off journalism. In one article she adopted the classic right-wing line taken up by Andrew Mellon, Hoover's treasury secretary: "Mellon—unlike the Roosevelt administration—understood that American growth would return if you left the economy alone to right itself." This is the conclusion that most excites Shlaes's conservative admirers. And in keeping with this argument, Shlaes, a committed supply-sider, scolds Roosevelt for raising taxes on the rich, which discouraged them from taking risks. She fails to explain how the economy managed to recover after the outbreak of World War II, which saw even higher taxes on the rich, or in the postwar period, when they remained high.

Moreover, the classic right-wing critique fails to explain how the economy recovered at all. In one of his columns touting Shlaes, George Will observed that "the war, not the New Deal, defeated the Depression." Why, though, did the war defeat the Depression? Because it entailed a massive expansion of government spending. The Republicans who have been endlessly making the anti-stimulus case seem not to realize that, if you believe that the war ended the Depression, then you are a Keynesian.

Shlaes also offers up a more subtle, and slippery, version of this argument. In the second iteration, the problem with the New Deal was not that it involved government but that it involved unpredictable government. Businesses failed to hire workers or open factories not because there was a lack of demand for their products, but because constantly changing government policies made them uncertain. "Uncertainty about what to expect from international events and Washington," Shlaes instructs, "made the Dow Jones Industrial Average gyrate."

I agree that there is something to the notion that unpredictable government policies can spook markets. Shlaes cites an industrialist who urged Roosevelt to "make the program clear and then stick to it." But the answer to this perplexity is not that Roosevelt should have abandoned his public works program, Social Security, and regulatory reforms. It is rather that he should adopted them sooner, and hewed to them more consistently. *That* would have been perfectly clear.

Yet that is not the conclusion that conservatives wish to draw. Nor is it a useful club to wield against contemporary liberals. So at other times Shlaes suggests—again, her writing is so convoluted that it is hard to discern what she means—that eliminating uncertainty means eliminating government activism. In her recent op-ed pieces, she urges Obama to forego Keynesian stimulus and instead cut taxes for corporations and stockholders. Her real argument, then, is that changing the rules in a liberal direction paralyzes businesses with fear, while changing the rules in a conservative direction promotes growth.

Several of Shlaes's admirers have taken up the line that the current slowdown is caused, or at least worsened, by the "uncertainty" of Obama's fiscal stimulus. "A main reason there's all of this 'money on the sidelines' out there among private investors is that Wall Street doesn't know what the government will do next," Jonah Goldberg wrote in *National Review*. "In short, don't just do something, President Obama—stand there." If this prescription were true, you would suppose

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it would show up in the business press. After all, there is a thriving media industry devoted to taking the temperature of the markets and discerning what causes them to rise or fall on any given day. Not all these business reporters are left-wing stooges. And yet almost never do they report that uncertainty about Keynesian politics has caused the market to sink. Instead, you regularly come across coverage like this, from *The Wall Street Journal* on December 8, 2008:

> The prospect of new government action to create jobs and keep auto makers out of the ditch sent stocks higher for a second consecutive day, amid hopes that a worst-case scenario for the global economy could be avoided. Gains in the U.S. were part of a world-wide rally triggered by President-elect Obama's plan for a stimulus package.

Shlaes's main indictment of the New Deal is contained within the first few pages of her book. It begins with a snapshot of the depressed economy, depicting a desperately poor family, and broadens out to describe a cratering economy, and finally moves on to Washington, where the oblivious Secretary of the Treasury announces his intent to "continue progress toward a balance of the federal budget." The reader is meant to think this is a description of Herbert Hoover's America. But Shlaes concludes the story with an aha! moment: this episode took place in 1937! "The New Deal was almost five years old," Shlaes concludes, after repeating this shocking tale in another oped, "but the economy was not back."

If your understanding of the New Deal is limited to the simple notion that Roosevelt spent a lot of money and tamed unemployment, then this story might sound like a persuasive piece of evidence for Shlaes. Yet there is a tip-off within the story that ought to give even the uninformed reader pause: the part where the Treasury Secretary promises to balance the budget. That doesn't sound very New Deal-ish, does it? And indeed it is not. The historical fact is that Roosevelt's administration contained warring factions with often wildly differing ideas. FDR came into office promising to slash the federal budget, but he moved in fits and starts toward a Keynesian policy of fiscal stimulus. After the elections of 1936, though, his more conservative advisors prevailed upon him to roll back the budget. Liberals, including Keynes, protested that this would jeopardize the fragile recovery. And events vindicated them: after impressive growth, the economy plunged back into a recession within a depression.

That Roosevelt see-sawed between Keynesianism and budget-balancing has been conventional wisdom among mainstream historians and economists for decades. The MIT economist E. Carey Brown wrote this in 1956. Keynes made the same point in a pleading letter to Roosevelt in 1937. Economists disagree about the extent to which Roosevelt's fiscal expansion helped. Many give more credit to his abandonment of the gold standard—which Shlaes, naturally, also decries. The fact that he retreated from Keynes in 1937 and that this retarded the recovery, though, bears little dispute.

Adam Cohen's *Nothing to Fear*, an admiring history of Roosevelt's first hundred days, captures the deep tensions between camps in the Roosevelt administration. Cohen's take is conventional, but it is executed well, tracing the disparate life stories of the main New Dealers in such a way as to make the inevitability of their conflict clear. This was a true team of rivals, some of them winding up as Roosevelt's most unhinged critics. Even before Roosevelt took office, Cohen writes, there was a "fundamental conflict—between spending more to fight the Depression and spending less to balance the budget—that would be a central tension of the Hundred Days." Yet for Shlaes and her admirers, the finding that Roosevelt vacillated between Keynesianism and orthodoxy represents a devastating intellectual blow to the New Deal edifice. And, yes, if you think of the New Deal as a series of unbroken triumphs held together by a clear and consistent ideology, and you have failed to take in any of the scholarship about the period produced over the last half-century, then *The Forgotten Man* will come as a revelation.

Shlaes writes that her discoveries about the New Deal show that "Roosevelt was unworthy of emulation." But who, exactly, is proposing to emulate everything that Roosevelt did? Much of his program has long been deemed a failure by liberals, including Roosevelt himself. (This includes the National Recovery Administration, which Shlaes dwells on at great length, while breezing past or ignoring altogether vast swaths of the New Deal.) When liberals suggest that Obama follow Roosevelt's model, they do not mean that he should replicate the entire thing. (The way, say, conservatives do when they suggest following Reagan's model.) They mean that he should emulate the Keynesian fiscal policies and other parts of the New Deal that worked. Shlaes has set out to demolish an argument that no serious person has ever made.

At one point in her book, in fact, Shlaes actually concedes that Roosevelt's Keynesian experiment succeeded when he tried it. "The spending was so dramatic that, finally, it functioned as Keynes . . . had hoped it would," she writes about 1936, "Within a year unemployment would drop from 22 percent to 14 percent." So Keynesian policy worked, and the main fiscal problem with the New Deal was that Roosevelt made too many concessions to the right. Here we are in agreement. So can conservatives stop carrying around *The Forgotten Man*

When You Return

Fallen leaves will climb back into trees.
Shards of the shattered vase will rise
and reassemble on the table.
Plastic raincoats will refold
into their flat envelopes. The egg,
bald yolk and its transparent halo,
slide back in the thin, calcium shell.
Curses will pour back into mouths,
letters un-write themselves, words
siphoned up into the pen. My gray hair
will darken and become the feathers
of a black swan. Bullets will snap
back into their chambers, the powder
tamped tight in brass casings. Borders
will disappear from maps. Rust
revert to oxygen and time. The fire
return to the log, the log to the tree,
the white root curled up
in the un-split seed. Birdsong will fly
into the lark's lungs, answers
become questions again.
When you return, sweaters will unravel
and wool grow on the sheep.
Rock will go home to mountain, gold
to vein. Wine crushed into the grape,
oil pressed into the olive. Silk reeled in
to the spider's belly. Night moths
tucked close into cocoons, ink drained
from the indigo tattoo. Diamonds
will be returned to coal, coal
to rotting ferns, rain to clouds, light
to stars sucked back and back
into one timeless point, the way it was
before the world was born,
that fresh, that whole, nothing
broken, nothing torn apart.

ELLEN BASS

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like it's Mao's Little Red Book? Can we all go home now?

It should be clear that intellectual coherence is not the purpose of Shlaes's project. The real point is to recreate the political mythology of the period. It does not matter that Shlaes heaps scorn on Roosevelt for doing things that liberals also scorn. Anything that tarnishes his legacy, she seems to think, tarnishes liberalism by association.

The conservative movement has invested enormous effort in crafting a political mythology that gratifies its ideological impulses. The lesson they learned from Ronald Reagan is that ideological purity is not only compatible with political success, but is also the best path to political success. They dutifully applied this interpretation to everything that happened since—George H. W. Bush, then Newt Gingrich, and then George W. Bush all failed because they deviated from the true path—and to all that happened before. Nixon failed because he embraced big government. Kennedy succeeded because he was actually a proto-supply-sider.

From such a perspective, Roosevelt casts a long and threatening shadow over the conservative movement. Here was a case of a wildly unpopular conservative Republican, Herbert Hoover, who gave way to an unabashed liberal Democrat who won four presidential elections. Shlaes goes to great pains to explain away this apparent anomaly. In this instance, she does produce an internally coherent argument. It is, alas, wildly ahistorical.

If the New Deal failed so miserably, one might wonder why voters continued to endorse it. In Shlaes's telling, Roosevelt's first challenger, Alf Landon, lost in 1936 because he "failed to distinguish himself" from Roosevelt. It is certainly true that Landon hailed from the party's moderate wing and shied away from the root-and-branch condemnation of the New Deal favored by, say, Hoover. But as the campaign wore on, Landon's rhetoric grew increasingly harsh. If Roosevelt returned to office, he warned, "business as we know it is to disappear." Voters who opposed the New Deal may not have had a perfect choice, but they did have a clear one. It also takes quite a bit of ideological credulity to believe, as Shlaes apparently does, that Roosevelt's twenty-point victory represented anything other than massive support for his program. Landon himself later remarked that "I don't think that it would have made any difference what kind of a campaign I made as far as stopping this avalanche is concerned."

And Shlaes offers an even odder explanation for Roosevelt's triumph in 1940. Wendell Willkie seized the advantage by attacking the New Deal, she writes, but squandered it with his dovish position on the war. The war, she argues, had become "the single best argument to reelect Roosevelt and give him special powers." After the election, she asserts, the Republicans "concluded, accurately enough, that the outcome would sideline not only their party but their record of accuracy when it came to the economy. They had been right so often in the 1930s and they would not get credit for it. The great error of their isolationism was what stood out."

Shlaes, characteristically, bolsters this highly idiosyncratic reading of history with only bare wisps of data. It is true that the outbreak of war in Europe made Roosevelt, the incumbent, appear safer. But this pro-incumbent upsurge merely cancelled out a powerful current of anti-third term sentiment. Moreover, public opinion opposed entry into the war, and Roosevelt had to fight the suspicion that he was nudging the country into the war by explicitly promising to stay out. Shlaes's portrayal of an electorate seeking activist government abroad and laissez-faire at home gets the history almost perfectly backward. (*The Forgotten Man* ends with the 1940 race, sparing her readers any further contortions of electoral interpretation.)

The final unanswered question that must nag at the minds of the true believers is how the Depression managed to develop even before Roosevelt assumed office. After all, his bungling caused the economy to stall for years, yet the Depression was already more than three years old before Roosevelt even took office. Shlaes's answer is to implicate Hoover as a New Deal man himself:

> Hoover had called for a bank holiday to end the banking crisis; Roosevelt's first act was to declare a bank holiday to sort out the banks and build confidence.... Hoover had spent on public hospitals and bridges; Roosevelt created the post of relief administrator for the old Republican progressive Harry Hopkins. Hoover had loved public works; Roosevelt created a Public Works Administration.... Hoover had known that debt was a problem and created the Reconstruction Finance Corporation; Roosevelt put Jones at the head of the RFC so he might address the debt.... Hoover had deplored the shorting of Wall Street's rogues; Roosevelt set his brain trusters to writing a law that would create a regulator for Wall Street.

This part of Shlaes's argument has generated enormous enthusiasm on the right. At last the cultural baggage of Roosevelt's predecessor—Hoovervilles, Hoover flags, and the like—has been lifted off the shoulders of conservatism and onto the real culprit, which is liberalism. Senator Kyl proclaimed on the Senate floor last fall that "in the excellent history of the Great Depression by Amity Shlaes, *The Forgotten Man*, we are reminded that Herbert Hoover was an interventionist, a protectionist, and a strong critic of markets." Recently the House Republican Steve Austria went so far as to declare that Roosevelt actually caused the Depression. "When Roosevelt did this, he put our country into a Great Depression," Austria said. "He tried to borrow and spend, he tried to use the Keynesian approach, and our country ended up in a Great Depression. That's just history."

There is indeed a revisionist scholarship that recasts Hoover as an energetic quasi-progressive rather than a stubborn reactionary. William Leuchtenburg, in his short new biography *Herbert Hoover*, makes some allowance for the revisionist case, but finally he settles on a more traditional conclusion. Leuchtenburg shows that Hoover's history of activism consistently left him with the belief in the primacy of voluntarism and the private sector, a faith that left him unsuited to handle a catastrophe like the Depression.

Leuchtenburg also provides a handy rebuttal to Shlaes's preposterous conflation of the two presidents. Hoover's National Credit Corporation, he explains, "did next to nothing." Hoover and Roosevelt would be amused to hear that his bank holiday aped Hoover's, given that Hoover denounced the Emergency Banking Act as a "move to gigantic socialism." (Does this ring a bell?) Shlaes's attempt to equate Hoover's disdain for short-sellers and Roosevelt's regulation of the market presumes that there is no important difference between expressing disapproval for something and taking public action against it.

Yes, Hoover created the Reconstruction Finance Corporation. But (I am quoting Leuchtenburg) "at Hoover's behest, RFC officials administered the law so stingily that the tens of thousands of jobs the country had been promised were never created. By mid-October, the RFC had approved only three of the 243 applications it had received for public works projects." Hoover's head of unemployment relief said that "federal

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aid would be a disservice to the unemployed." Hoover was a staunch ideological conservative who remarked, in 1928, that "even if governmental conduct of business could give us more efficiency instead of less efficiency, the fundamental objection to it would remain unaltered and unabated." This was not, to put it mildly, Roosevelt's philosophy.

Hoover himself would have found the notion that Roosevelt mostly carried on his work offensive. During the campaign of 1932 he warned that, if the New Deal came to fruition, "the grass will grow in the streets of a hundred cities, a thousand towns." This was not mere campaign rhetoric. After Roosevelt won, Hoover desperately sought to persuade him to abandon his platform. He spent the rest of his years denouncing Roosevelt's reforms as dangerous Bolshevism. Leuchtenburg records that Hoover wrote a book about the New Deal so acerbic that his own estate suppressed its publication to avoid further tainting his reputation.

Of course, the transition from one presidency to another always involves some level of continuity. The world never begins completely anew with a presidential inauguration. But the break between Roosevelt and Hoover was certainly sharper than that between any president and his predecessor in American history. After 1932, generations of Democrats continued to paint Republicans as neo-Hooverites. This was mostly a calumny. Though Hoover himself continued to assail the New Deal as calamitous socialism right up to his death in 1964, from 1936 on the party remained in the hands of men who understood that the New Deal had built an enduring base of support and could not be directly assailed.

But now we have come to a time when leading Republicans and conservatives—not just cranks, but the leadership of the party and the movement—once again sound exactly like Herbert Hoover. "Prosperity cannot be restored by raids upon the public Treasury," said President Hoover in 1930. "Our plan is rooted in the philosophy that we cannot borrow and spend our way back to prosperity," said House Minority Leader Boehner in 2009. They have come to this point by preferring theology to history, by wiping Hoover's record from their memories and replacing it with something very close to its opposite. It is Hoover, truly, who is the Forgotten Man. ◆

David Nirenberg
SLAY THEM NOT

AUGUSTINE AND THE JEWS: A CHRISTIAN DEFENSE OF JEWS AND JUDAISM
By Paula Fredriksen
(Doubleday, 512 pp., $35)

I.

"Why and how did relations between Christians and Jews ever become so terrible in the first place?" Medieval Christian theologians thought that the answer to this question, posed in the prologue to Paula Fredriksen's remarkable book, was to be found at the dawn of time. Cain murdered Abel, jealous that his earthly sacrifices were rejected by God in favor of his younger brother's more spiritual ones. The innocent Abel prefigured Christ, while Cain prefigured the deicidal Jews, his fratricide the first of their many acts of perfidy against God and his prophets. Medieval rabbis also explained the conflict between Christians and Jews as sibling rivalry, this time between Isaac's twin sons Jacob and Esau. The slightly elder Esau traded his birthright for a bowl of stew, but then regretted the bargain and raged at Jacob's assumption of God's promise. Esau's descendants were the gentile Christians, who inherited his penchant for persecuting Israel. Some rabbis even read Genesis as a "how-to manual" for the survival of future suffering. When Jacob divided his camp out of fear of Esau's attack, he was teaching the Jews of later millennia to divide their population among many lands, so that if they were destroyed in one nation they might persist in another.

Despite the differing details, there was inter-faith agreement on the broader point: the conflict between Jews and Christians began in the earliest pages of sacred history, and would continue until that history's end. The credibility of this grim continuity was undercut by humanism, historicism, liberalism, and secularization, but it found new and influential proponents in the modern age. In his *Table Talk*, Adolf Hitler reported confounding two Catholic bishops who came to complain about his anti-Jewish policies, by telling them that he was only carrying out what their Church had always taught. And his party employed plenty of Protestant theologians—in organizations such as the Institute for Research and Extermination of Jewish Influence in German Ecclesiastical Life—who preached the gospel of a God who had always been at war with Judaism. In her splendid new book *The Aryan Jesus: Christian Theologians and the Bible in Nazi Germany*, Susannah Heschel details the Nazi Party's careful efforts to establish a resonance between its own anti-Semitic ideology and the religious teachings of the Christian confessions, and demonstrates the eager willingness of many theologians and believers to make that project their own.

Was Hitler right? Are Christian teachings essentially anti-Jewish? And if so, did this anti-Judaism authorize, or at least contribute to, the genocidal policies of the Nazis? Beginning with Marcel Simon's *Verus Israel: A Study of Relations Between Christians and Jews in the Roman Empire*, which appeared in 1948, a series of scholarly works looked backward from Auschwitz in order to explain the emergence of anti-Judaic theses in early Christian testimonies, and to trace their future. Such a "long view" had its critics even in the immediate aftermath of World War II (Hannah Arendt disparagingly dubbed it "Eternal Anti-Semitism"), and it is today quite unfashionable. Still, efforts to explain the Holocaust in terms of the distant past did prove fruitful, especially in that field the Nazis themselves had so assiduously cultivated: the study of early Christianity.

These questions were not only scholarly. They were very much in the minds of Pope Paul VI and the bishops assembled at the Second Vatican Council in 1965, as they tried to circumscribe Scripture's lessons about Jews in *Nostra aetate*, the "Declaration on the Relation of the Church to Non-Christian Religions":

> True, the Jewish authorities and those who followed their lead pressed for the death of Christ (cf. John 19.6); still, what happened in His passion cannot be charged against all the Jews, without distinction, then alive, nor against the Jews of today. Although the Church is the new people of God, the Jews should not be presented as rejected or accursed by God, as if this followed from the Holy

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> Scriptures. All should see to it, then, that in catechetical work or in the preaching of the word of God they do not teach anything that does not conform to the truth of the Gospel and the spirit of Christ.

In place of a continuity of perfidy, *Nostra aetate* pointed to a continuity of promise: God did not collectively reject the people whom he foreknew, and they did not collectively reject him. The importance of this shift is not diminished by the fact that many (such as Mel Gibson) have found it unconvincing.

One reason for the new dogma's lack of conviction is that it required the revision of centuries of teaching and belief. (Already in 1965, Catholic traditionalists joined anti-Zionist Middle Eastern bishops in defeating more explicit condemnation of the charge of "deicide.") Another reason, equally important, is that "the truth of the Gospel" is itself not so clear. Matthew's gospel is often called the "most Jewish" of the gospels, but his Jesus was certainly capable of taking an extremely long view of Jewish evil:

> Woe to you, scribes and Pharisees, hypocrites! … Thus you witness against yourselves, that you are sons of those who murdered the prophets. Fill up then the measure of your fathers. You serpents, you brood of vipers, how are you to escape sentence in Gehenna? Therefore I send you prophets and wise men and scribes, some of whom you will kill and crucify, and some you will scourge in your synagogues and persecute from town to town, that upon you may come all the righteous blood shed on earth, from the blood of the innocent Abel to the blood of Zechariah.…

So from A to Z, the righteous have always been and will always be persecuted by the Jews. Similar-sounding sentiments can be found in some of the earliest documents from the Jesus movement, such as Paul's first letter to the Thessalonians, as well as in all the gospels and the Acts of the Apostles. In fact, Jewish enmity became so closely identified with godliness in the Late Antique religious imagination that the Qur'an adopted it in support of Muhammad's own prophetic claims: "Is it ever so, that when there comes to you a messenger from God with that which you yourselves do not desire you grow arrogant, and some you disbelieve, and some you slay?" (Qur'an 2.87, echoing Acts 7:51-53).

It is easy to conclude, as the Catholic theologian Rosemary Reuther did in 1974, that "the truth of the Gospel" already encodes the negative teachings about Judaism that *Nostra aetate* rejects. "Christian scriptural teaching and preaching per se is based on a method in which anti-Judaic polemic exists as the left hand of its christological hermeneutic," she wrote. And "if we wish to reaffirm the gospel without this anti-Judaic left hand, we must analyze and reconstruct the basic dualisms which shaped early Christian self-understanding." To put it another way, those who want to claim that God does not condemn the Jews cannot simply dismiss the anti-Judaic content of the gospel. Nor can they ignore the diverse reading practices through which myriad Christian communities in the past two millennia put that content to the hard work of making sense of their canon and their cosmos. In place of continuity, the Christian argument against anti-Judaism needs to invoke rupture. It must posit the formation of a gap between what it understands as Jesus's own teachings about Jews and Judaism and the more sinister form those teachings eventually took in the canonical gospels; between the "spirit of Christ" and the widespread anti-Jewish beliefs and practices that many Christian communities eventually came to think of as the "truth of the Gospel."

Beginning in the 1960s, a remarkable generation of American New Testament scholars—E. P. Sanders, John Gager, Louis Martyn, and others—set itself the task of opening this gap. Paula Fredriksen is that generation's heir. Already the author of two clarifying studies of the historical Jesus and the early Jesus movement, she now gives us that rare gift, a volume much vaster than its title. *Augustine and the Jews* is certainly an illuminating treatment of an influential Church Father's teachings on Jews and Judaism. But it is also an introduction to the cognitive landscape of the entire ancient Mediterranean world, a map of the cosmologies and communities that produced Christianity and were in turn transformed by it.

II.

Augustine and the Jews begins where so much else began, with the conquests of Alexander the Great, roughly seven centuries before Augustine's birth in 354 C.E. There was a good deal of culture stuffed in the backpacks of Alexander's armies, and though they did not impose new religions on those they conquered, they did bring with them new questions about the gods, and new tools (such as philosophy) with which to work on those questions, and even a new language (Greek) in which to ask them. Chief among these questions was one we nowadays encounter—if we encounter it at all—in freshman dorms, between the covers of Plato's *Republic*: is god active or perfect?

The Greeks had no difficulty imagining active gods: gods who were men writ large, moving among us, helping those whom they favor, harming those who displease them, even—like Zeus—raping those whom they fancy. Beginning around the fifth century B.C.E., however, some of their philosophers began to think of divinity as perfection. The cosmos may well be full of all sorts of gods—daemons, demiurges, assorted deities—some of whom may act in the world, and even be acted upon. But the highest among these must be perfect, unmoved and unmoving, eternally rather than contingently true, suffering none of the constant change to which the physical world and the passions of men are subject. It was for this insight that Augustine would praise the Greeks almost a millennium later: "These philosophers have been raised above the rest by a glorious reputation, which they thoroughly deserve. They recognized that no material object can be god … and that nothing changeable can be the supreme god."

In the meantime, philosophical perfection posed a problem. The gods, after all, were known to man through ancient stories about their actions in the world. Did philosophy demand that these stories—or these gods—be discarded? Or could divine perfection and divine action be reconciled? One way to address the problem was to develop new techniques with which to read old texts. Allegory—from the Greek *allos*, other, and *agorein*, to speak, or "otherspeak"—was one of the most important of those techniques, a way of moving from what a text "literally" said to what it "truly" meant. In "otherspeak," Zeus's rape of Ganymede signifies the rapture that seizes the soul when it contemplates the divine Being, the One. Such methods of reading rescue the text by dividing it into two parts, literal and allegorical, outer and inner, or—in the terms that Greek philosophy applied to the human being—body and soul, matter and spirit.

Jews also spoke Greek, and their God confronted the challenges of philosophy every bit as much as Zeus did. How could he be the highest god, if his emotions were so human, his form so anthropomorphic (except when he changed into some other object, like a burning bush or a pillar of fire), his involvement with creation so intimate, and his

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demands so physically detailed? In the centuries after Alexander's conquests, allegory provided many Jews with a way to find philosophical truth in the seemingly carnal details of their scriptures. The point, in the words of Philo of Alexandria, was to read texts for "the hidden meaning that appeals to the few who study soul characteristics, rather than bodily forms." Through such techniques, the many demands that God imposed on the bodies of his followers—such as circumcision, dietary laws, and ritual ablutions—could be seen to express spiritual as well as physical teachings.

Unlike some of his early first-century contemporaries, Philo was careful to insist that Jews should not separate the two levels of meaning. "We should look on all these [outward observances] as resembling the body, and [these inner meanings as resembling] the soul. It follows that, exactly as we have to take thought for the body, because it is the abode of the soul, so we must pay heed to the written laws. If we keep and observe these, we shall gain a clearer conception of those things of which these are the symbols." By incarnating the spirit of philosophy in the body of scripture, Jews like Philo sought to maintain the possibility of a god who was simultaneously perfect and active, unchanging yet present in the constant flux of the material world.

At much the same time that Philo was writing in Alexandria, a much more scandalous incarnation was taking place in a neighboring province of Rome's empire. Two thousand Christmases and Easters have dulled us to the shock that many educated ancients, Jewish or gentile, would have felt at the idea that the supreme god could be born in the flesh, suffer, and die on the cross. The overcoming—or rather, the embrace—of this scandal was one of the most difficult challenges faced by the Jesus movement. It met that challenge by thinking, with Philo, about the correct way to read Jewish scriptures. The twenty-fourth chapter of the Gospel of Luke personifies this process with particular poignancy, in the form of two dejected disciples who meet a stranger on the road to Emmaus. The stranger—the newly risen Christ—consoles them by explicating how all of scripture prophesied "that the Christ should suffer before entering into his glory."

But more than a generation before Luke's Gospel was redacted, indeed before any of our canonical Gospels were circulating at all, it is the apostle Paul whom we find teaching how scripture should be read by the followers of Jesus. Paul's Epistles to the Galatians and to the Romans are the two great primers of this pedagogy. In them he re-reads the scriptures in order to explain the relationship between the covenant of Abraham and the promise of Jesus; between the Law and the gospel; between the responsibilities and rewards of Jesus's Jewish followers, and those of his increasingly numerous gentile ones. In them he also takes on the necessary task of explaining why it is that most Jews refused to read their own scriptures this way: why they did not recognize Jesus, why they persecute his followers, and with what consequences for themselves. And in all of this, as in this example from Galatians, allegory is one of Paul's most important tools:

> For it is written that Abraham had two sons, one by a slave and one by a free woman. But the son of the slave was born according to the flesh, the son of the free woman through promise. Now this is an allegory: these women are two covenants. One is from Mount Sinai, bearing children for slavery: she is Hagar … she corresponds to the present Jerusalem, for she is in slavery with her children. But the Jerusalem above is free, and she is our mother.… Now we, brethren, like Isaac are children of promise.… But what does scripture say? "Cast out the slave and her son; for the son of the slave shall not inherit with the son of the free woman."

Abraham's families, one slave one free, here unleash a chain of significations. Hagar and Ishmael represent flesh and slavery, Sarah and Isaac spirit and freedom. Thus far the reading would not have surprised its audience. But next comes an earthquake. Hagar and Ishmael, flesh and slavery, are associated with the law given at Sinai and terrestrial Jerusalem. But Sarah and Isaac, spirit and freedom, are a new covenant and a heavenly city. One bold allegorical stroke reverses the traditional readings of this story. The Mosaic Law and the people and polity that observe it are condemned as "of the flesh," sentenced to slavery and exile.

Every word of these epistles has a long future in Christian thinking about Jews. The "slavery" of Sinai's children, further explored and amplified by Augustine, will eventually help medieval English lawyers justify the unfree legal status to which they consigned Jews in their kingdom. But Paula Fredriksen wants to understand Paul in terms of the intention of his thought, not of its future. From that point of view, she insists, it is anachronistic to classify Paul's beliefs as "Jewish" or "Christian," and nonsensical to call him anti-Jewish. True, he did deploy the Exodus generation as a "negative role model" for the communities to which he was preaching. But unlike later Christians, he always thought of himself as a Jew preaching Judaism. Moreover, he believed in the brevity of the slavery to which he condemned his opponents. He was convinced that the end of time was coming soon, and with it the recuperation of Israel.

Fredriksen's goal here, like that of her teacher John Gager, is to emancipate Paul's epistles—and thus the earliest teachings of Christianity—from the "anti-Judaism" that so many other readers have found in them. Some of those readers might object that, whatever Paul claimed about the qualities of his own Judaism, the various Jewish communities that punished or expelled him certainly considered his teachings threatening and heretical. Others might claim that, whatever his intentions, the conflict surrounding his teaching to the gentiles led him to draw a fatefully sharp contrast between the carnal particularism of Jewish law and ritual, and the spiritual universalism of the Christian. Still others might protest that our evidence for the circumstances of composition and transmission of Paul's texts is too meager, and too corrupted by later sources, to allow decisive knowledge about their context; or that it is in any case a fallacy to think that we can approach intention through text in this way. All of these objections are valid. Yet there is a real benefit in trying to free Paul (or any thinker) from the future of his thought. Cut off from its later instantiations, we begin to see new possibilities in Paul's teachings, potential futures other than those we know. And with this benefit comes the real relief—no less real for having been mocked by Nietzsche—of knowing that however badly history turned out, it might have turned out otherwise.

Paul's letters could certainly authorize many different visions of the future. As a later New Testament text puts it, "there are some things in them that are hard to understand, which the ignorant and unstable twist to their own destruction." But the fact remains that, despite all these potentials, early Christians quickly reached consensus about Paul's teachings on the Jews. The Jews—"carnal Israel"—stood for the flesh, for attachment to the outer form of things in this world, as opposed to their inner truth. They stood for a fleshly way of reading: one that saw only the body of the text, its "letter," rather than its inner

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meaning, its "spirit." They stood for the death of the soul: "the letter kills, but the spirit gives life."

The young Marx would identify this line from Paul as the most "dangerous enemy" of "real humanism." But for early Christians it proved a key axiom in their debate over how best to explain the scandal of Jesus's death on the cross. There were three broad schools of thought in that debate: those who solved the scandal by making Jesus a man and not a god; those who solved it by making him a god and not a man; and those who heightened the scandal by making Jesus both a god and a man. The first of these probably included many of the first Jewish followers of the historical Jesus, who did not require that their messiah be divine. But this position was overrun early, overwhelmed by the Roman legions who destroyed the earthly Jerusalem and the gentile converts who swelled the heavenly one. Henceforth it was abandoned to heresies: to "Judaizing" sects such as the Ebionites, to Islam's prophet Jesus, and to the ethical Jesus of Enlightenment and modernity. The conflict between the second and third schools (both of which claimed Paul as their headmaster!) proved more stubborn.

This conflict provides the context for *Augustine and the Jews*. Its bitterness is already apparent in early texts such as the Second Epistle of John: "There are many deceivers at large in the world, refusing to acknowledge Jesus Christ as coming in human nature. They are the Deceiver, they are the Antichrist." Scholars call these "deceivers" Docetists, from the Latin *docere*, to teach. They were members of the second school: those who believed that the supreme god could not undergo change, corruption, or creation—that Jesus could not have had a human nature, though he might have assumed the appearance of a man heuristically, in order to teach among men (hence the name of Docetists). Nor could the perfect god have participated directly in the creation of the world without suffering change and involvement in lower levels of Being. The Old Testament, with its stories of the creation and the flood, could not be an account of the actions of such a god.

Some, called dualists, went even further, and made the material world of flesh the work of a creator god who was hostile to the perfect god. Did not Paul teach that "to set the mind on the flesh is death, but to set the mind on the Spirit is life and peace"? And if there were two gods, then there were two scriptures: the Hebrew Scriptures of flesh for the killing god of creation, and the teachings of the apostles for the salvific god of spirit. Paul, again: "acting on my body there is a different law which battles against the law of my mind." Flesh and Spirit, Hebrew Scripture and gospel, Jew and Christian, were inter-related antinomies that had to be separated. According to these docetists and dualists, Christians who believed that god had come in the flesh were not Christians but "Jews," still clinging to carnality and Hebrew Scripture, still in need of de-Judaization. As Fredriksen puts it, "a Christ without human flesh heralded a Christianity without Judaism."

But the same could be said of an Incarnate Christ. His advocates did hold on to the old scriptures, but only by stripping them of Jews and Judaism. The truth, as Ignatius wrote to the Magnesians and Philadelphians around 100 C.E., had never been Jewish: "The divine prophets lived according to Jesus Christ." "Christianity did not base its faith on Judaism, but Judaism on Christianity." Half a century later Justin Martyr, the greatest of the Incarnation's early defenders, expanded the claim. Even before the incarnation, the Son and Word of God had been available to all men in all times. Any man who lived according to that Word, or *logos*, was a Christian. (Socrates and Heraclitus were examples of such Christians, as were the prophets beginning with Abraham.) Since the Jews were too hard-hearted to live according to the Word, God gave them—not as a privilege, but as a punishment—an ambivalent scripture, one whose literal meaning was as carnal as they were, but whose allegorical meaning was spiritual and Christian. The Jews had never understood their prophets ("or rather not yours, but ours"), not heard how they proclaimed Christ's truth, not recognized God walking among them in the flesh. This, says Justin, is precisely what his rivals, the docetists and the dualists, do. Just like the Jews, they dismiss the Old Testament as carnal because they can only read it literally. The dualist, as another champion of the Incarnation put it pithily circa 200, was "borrowing poison from the Jew."

The key point here—I am stressing it a bit more than Fredriksen does—is that the vast stockpiles of anti-Jewish stereotypes built up in the second and third centuries were not the result of Christian struggles with Jews and Judaism. They were the product of conflicts between Christians, conflicts in which each party strove to claim the mantle of "true Israel" for itself, and to clothe the other in the robe of "Jew." In Fredriksen's words, "key features of the *adversus Iudaeos* tradition . . . formed as the rhetorical run-off of internal battles between well-educated gentile Christian intellectuals." This anti-Judaism became the one point upon which all sects agreed. ("If hatred of Jews makes the Christian, then we are all plenty Christian," Luther and Erasmus would quip in the midst of a later sectarian struggle.) Hence the dualist champion Faustus could charge, circa 399, in his debate with Augustine: "Your Christianity, just like mine, is based on the belief that Christ came to destroy the Law and the prophets." And again: "You cannot blame me for rejecting the Old Testament, because you reject it as much as I do.... You deceitfully praise with your lips what you hate in your heart. I'm just not deceitful, that's all."

III.

One of Augustine's many achievements was to confront this charge. The confrontation was not the work of a single moment. It extended over the course of Augustine's entire life, and motivated many of his most influential conclusions about how scripture should be read. These included his earliest teachings, when he was himself, like Faustus, a Manichaean, driven to dualism—as he tells it—in part by his loathing for the "absurdities" of God's actions in the Old Testament. It was only in his thirties, listening to the preaching of Ambrose, that he began to move away from the Manichaeans: "I was delighted to hear Ambrose in his sermons to the people saying, as if he were enunciating a principle of exegesis: 'the letter kills, but the spirit gives life.' Those texts which, taken literally, seemed to contain perverse teachings, he would expound spiritually, drawing aside the mystical veil." "The absurdity which used to offend me in those books.... I now understood to signify the profundity of their mysteries."

Ambrose's allegories gave Augustine the courage to defect to Catholic Christianity, a defection that his dualist friends and colleagues represented as a far worse conversion: "You have gone over to the barbarous tribe of the Jews." But as a recovering dualist, he was also aware of the risks of "otherspeak." When allegorists such as Origen, Ambrose, and Jerome denied the literal truth of scriptural passages that seemed perverse, they transformed absurdity into profundity, but at the cost of pushing letter and spirit further apart. The more they stigmatized the literal and elevated the allegorical, the more they approached dualism themselves, and the more they strengthened Faustus's claim that, despite the profession of their lips, in their hearts Catholic

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Christians hated the Old Testament just as much as Manichaeans did.

Against this claim, Augustine began to insist on the value of every literal word of Scripture. If, as he wrote to Jerome, we are willing to deny the literal truth of scriptural passages that seem awkward, then how can we counter dualists when they claim that this or that passage of scripture was false? "If he wrote what was false here, when did he say what was true?" "I would devote all the strength which the Lord grants me, to show that every one of those texts which are wont to be quoted in defense of the expediency of falsehood ought to be otherwise understood, in order that everywhere the sure truth of these passages themselves may be consistently maintained." The Lord granted Augustine a great deal of strength. From *Against the Manichees*, written shortly after his conversion in 387, to the *City of God* and the *Sermons Against the Jews,* completed shortly before his death in 430, he and his scribes produced countless works touching on the relationship between letter and spirit, Law and Gospel, Old Testament and New. Hundreds of these works survive, and more are still being discovered, and Paula Fredriksen has read them all, judging from the account that she gives, treatise by shimmering treatise, of the evolution in Augustine's approach to the interpretation of God's word.

That account extends over more than a hundred pages, and is the central achievement of her book. Anyone interested in philosophical theology, anyone interested in how the written word of scripture can mediate between man and God, will be fascinated by these pages, in which Augustine brings "the timeless, unchanging high god of philosophical paideia and the active, engaged chief personality of the Jewish Bible together into a single coherent whole." But another discovery awaits readers as well, for it turns out that Augustine's thinking about language—about the proper interpretation of scripture, the proper relationship between letter and spirit—occasions also a revaluation of the Jewish past. No longer is the literal meaning of the Old Testament something to be overcome or left behind. Instead it is embraced as history: history full of allegorical meaning, yes, but also valuable in itself as a true account of God's relationship to his people. The rituals of the Jews are no longer seen as perversions and absurdities, but as age-appropriate ways of relating to God, and pleasing unto him. Even circumcision, mocked by Justin Martyr, Faustus, and so many others, is defended by Augustine as a sign of regeneration, a putting off of the mortal flesh in anticipation of Jesus's sacrifice.

We can almost pinpoint the moment when Augustine came to these conclusions. In 397, writing the first drafts of *On Christian Doctrine*, Augustine insisted that Jesus had deliberately shown flagrant disrespect for Jewish law. In 399, in his arguments with Faustus, his position is precisely the opposite. Jesus never tried to turn Israel from the law, never broke a commandment. He even refused to violate the Sabbath after his crucifixion: hence he rose on the eighth day.

It is not only the Law that is re-valued by Augustine, not only the Jewish past, but also the Jewish present and future. In his effort to explain to Faustus the proper place of the letter and the Law, he also explains why Judaism persists even after the Gospel has put an end to the Law as a path to salvation. The Jews survive for two reasons, Augustine teaches. First, their existence testifies against all who might ever maintain—as Faustus does—that the ancient scriptures were false or falsified. Like fossils for the naturalist, their presence is proof of an earlier stage in salvation's evolution. Hence "no emperor or monarch … kills them, that is to say, makes them cease to be Jews, separate in their observance and unlike the rest of the world." Second, their survival testifies against those who might go too far in the opposite direction, "Judaizers" who might think—as Jerome wrongly accused Augustine of thinking—that there is any ongoing validity to Law as a path to salvation. Hence the Jews must live in exile and abjection, wandering like Cain over a hostile earth, their misery a silent monument to Christ's victory. Augustine found the perfect prooftext for this delicate balancing act between protection and perdition: "Slay them not, but scatter them in your might, lest your people forget your Law."

Compare the preaching of John Chrysostom a decade earlier: "When animals are unfit for work they are marked for slaughter, and this is the very thing which the Jews have experienced. By making themselves unfit for work, they have become ready for slaughter. This is why Christ said 'As for my enemies, who did not want me to reign over them, bring them here and slay them before me.' " Compare the admonition of Augustine's teacher Ambrose, who appeared in imperial court to defend clergy who had burned down a synagogue. The fire, he told the emperor, was lit "by the judgment of God," so the emperor could not punish the clerics for it without himself becoming a "Jew." And compare, from a decade or two after Augustine's formulation, the letter that Severus of Minorca wrote to many of his fellow bishops, telling them that his flock had burned down his city's synagogue and converted its Jews, and urging them to likewise "take up Christ's zeal against the Jews," so that "the entire earth might be ablaze with the flame of love," consuming the Jewish "forest of unbelief." Compared to these chilling pronouncements, Augustine's "slay them not" seems to promise a very different future for the Jews.

We might therefore conclude—along with the marketing blurb on the back cover of *Augustine and the Jews*—that the bishop of Hippo discovered "a vividly original" theology that "ultimately served to protect the Jews." But would we be right? Fredriksen's book contradicts itself on this question. It begins with a story told some seven hundred years after Augustine's death, in 1146, when soldiers marching to the Holy Land on the Second Crusade paused in the German Rhineland to massacre the Jews, just as the First Crusaders had done. This time, according to Rabbi Ephraim of Bonn, the Jews were saved by the preaching of Bernard of Clairvaux, who said to the crusaders "Whosoever touches a Jew to take his life is like one who harms Jesus himself … for in the book of Psalms it is written of them, 'Slay them not, lest my people forget.' "

Why begin a book on Antiquity with a story from the Middle Ages? And if a medieval story, why not a less happy one? In 1146, a dark year for the Jews of the Rhineland, Peter the Venerable wrote King Louis VII of France to *protest* the protection of that kingdom's Jews, which he thought excessive—and he, too, invoked Augustine: "slay them not, for God does not wish them to be entirely killed and altogether wiped out, but to be preserved for greater torment and reproach, like the fratricide Cain, in a life worse than death…." Clearly Fredriksen chose her point of departure to convince us that Augustine's ideas saved Jewish lives. And just as clearly we are meant to believe that Augustine's ideas broke with the past and set a new pattern for the future, transforming the possibilities for history: "within the context of the *adversus Iudaeos* tradition," we later learn, "a revolution is precisely what he achieved."

And yet the last sentence of Fredriksen's last chapter explicitly distances itself from any such belief: "In the changed context of medieval Christendom, Augustine's invocation of Psalm 59, interpreted literally, ultimately would safeguard Jew-

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ish lives. But that is a story of another time, for another time." And throughout the book, the central claim is that Augustine's thought, like Paul's or any other early Christian thinker's, must be understood within its own "context," by which she means not so much the thinker's era or society, but the immediate conflict of ideas within which each thought was thought, the very instant of discourse within which it was produced:

> Augustine was as capable of bitter anti-Jewish invective as were any of his fourth-century peers.... If we regard Augustine's theological teachings about Jews as evidence for what he really thought or really felt about Jewish contemporaries, we will come away with the impression of a man riddled with deep inconsistencies, emotional conflicts, unresolved anger, and so on.... What Augustine, in sermons or in treatises or in letters, said about Jews (or "Jews") ... often depended on what he needed to say in order to get his argument where he wanted it to go. In his response to Faustus, Augustine's defense of the flesh, of Jewish cult, and of Jesus' or Paul's or Peter's Jewish practice, does not give us evidence about what Augustine "really thought" or "really felt" about his actual Jewish neighbors and about local late-fourth century Judaism. What it does provide us with, in abundance, is evidence of his self-confident creativity when arguing against a theological opponent.

So the written record of Augustine's thought provides no evidence about what Augustine "really thought" about the Jews. And even if we could determine what he "really thought" (a possibility Fredriksen puts in doubt), it would in any event not be continuous with what later readers thought he thought. (And how might we determine *that*?) The epistemology is certainly defensible. But what, then, can it possibly mean to write a history of Augustine's thinking about the Jews?

I THINK THAT WE reach an impasse here, though with the best of intentions. Fredriksen wants to argue for the relatively peaceable existence of Jewish communities in Late Antiquity. But at the same time she wants to acknowledge the pervasively negative representations of Judaism within early Christian theology. She achieves both by treating theological invective as the "rhetorical runoff" of Christian intellectuals, with little impact on how people lived their lives. Yet of course she knows that in some times and some places precisely this theology will be used by real people to attack real Jews. So in order to insulate early Christian intellectuals from anachronistic charges of anti-Judaism or philo-Judaism, their statements about Jews and Judaism are cut free from the fabric that others will stitch from them, and the meaningfulness of those statements is reduced to the discursive moment in which they were uttered. This strategy of distancing the intellectual from the social, of sundering idea from lived experience and widening the gap between rhetoric and reality, does protect early Christian thought from the reproach (or the praise) of its future. But it does so at the cost of de-materializing that thought, leaving it floating weightlessly outside the gravity of history.

Fredriksen seems herself dissatisfied with the un-Augustinian dualism of this solution, judging from her occasional attempts to close "the gap between rhetoric and reality." But where can she find the "reality" of Christian-Jewish relations, if it is not contained in sermons, treatises, and letters? Her answer to this question seems a little crude for an author so gifted at the exposition of ideas: "Jews are Roman citizens, they sit on city councils. They own land." "Late-fourth-century Jews are still part of 'the system.'" With such political and legal arguments she dismisses as rhetorical Augustine's claim that the Jews live "trembling in fear" among the Christians to whom they are subjected. The reality, she says, turning to scattered evidence of prosperity and power, is very different: "Augustine does not write in a society where the lives of Jews are under threat; nor is late-fourth-century North Africa the same sort of culture that much later medieval and early modern Europe will be."

It is true that the late Roman Mediterranean was not early modern Europe. But despite that difference, fourth century Jews—and modern scholars—could still take seriously the theological invective aimed against them, still tremble at the violence that this invective sometimes sparked, still be (or think of themselves as being) distinctively vulnerable within "the system." In order to decide such questions, we need to be very clear about why we choose to prefer some sorts of evidence over others. What methodology tells us that the language of lawyers is a better index of integration than the language of theologians? Why should we treat as a sign of integrative social reality the only document of Augustine's that actually mentions an identifiable Jew (who shows up in Augustine's court to plead for property taken from him by another bishop), but dismiss as rhetorical the many in which he writes of the misery of "the Jews"? Certainly there are some surviving Christian documents that tell us that Jews "mock Jesus (thus Christianity) openly, to the point of provoking urban riots; and in one eastern city, Laodicea, they even physically abuse a local archdeacon." But what theory of interpretation allows us to see in these documents evidence of a social reality in which "Jews do not act as if they felt marginalized," while treating as rhetorical or unrepresentative those more numerous texts that tell us of the seizure and burning of synagogues, of occasional local expulsions and forced conversions? To the extent that these decisions about sources seem arbitrary, the resulting history of Christian-Jewish relations will seem so as well.

Augustine and the Jews is forced into these choices by its laudable desire that the history of Jewish-Christian relations be simultaneously intelligible and under-determined, that the words of the Fathers be meaningful but innocent of the meanings that the future will find in them. The result is somewhat paradoxical: a brilliant explication of early Christian theology that deprecates the importance of ideas; a powerful demonstration of an alternative past for Jewish-Christian relations, but one that severs the subject from its later history. The paradox is puzzling, but I think it reflects a double-mindedness that clings to the subject of Judaism within early Christianity itself—a double-mindedness that not even Augustine, the greatest champion of the Incarnate Christ, could quite avoid.

Over the course of his long career, the meaning of history was one of the many things about which Augustine changed his mind. The sack of Rome by the Visigoths in 410 deflated his early confidence that the future could be read in the past, that each moment in the unfolding of history pointed forward toward the glorious consummation of end-time. But for all his increasing skepticism about the legibility of history, on one point Augustine's certainty did not waver: the Jews in their undying misery provide historical proof of Christ's promise about the intelligibility of scripture. They remain "milestones," "living letters," "the desk of the Christians." In old age Augustine no longer believed that God's plan was clearly revealed in the confused events of earthly politics. Yet without perceiving any contradiction he still preserved the Jews, so to speak, in formaldehyde: inert witnesses, like Einstein's brain in a jar, of a revolution in man's understanding of the cosmos. ◆

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Washington Diarist

The Tolstoy Bailout

"In Tough Times, the Humanities Must Justify Their Worth." So *The New York Times* announced this week, in a report that made a grim country feel grimmer. "Previous economic downturns have often led to decreased enrollment in the disciplines loosely grouped under the term 'humanities'—which generally include languages, literature, the arts, history, cultural studies, philosophy, and religion. Many in the field worry that in this current crisis those areas will be hit hardest." The complaint against the humanities is that they are impractical. This is true. They will not change the world. They will change only the experience, and the understanding, and the evaluation, of the world. Since interpretation is the distinctively human activity, instruction in the traditions of interpretation should hardly be controversial—except in a society that mistakes practice for a philosophy. It is worth remembering, then, that the crisis in which we find ourselves was the work of practical men. The securitization of mortgages was not conceived by a head in the clouds. No poet cost anybody their house. No historian cost anybody their job. Not even the most pampered of professors ever squandered $87,000 of someone else's money on a little rug. The creativity of bankers is a luxury that we can no longer afford. But now I read about "defending the virtues of the liberal arts in a money-driven world," as the *Times* says. I would have thought that in these times the perspective of money would be ashamed to show itself. What authority, really, should the standpoint of finance any longer have for American society? Who gives a damn what Kenneth D. Lewis thinks about anything? The president is right: we must work with plutocrats whom we despise; but surely not with their values. The study of religion, defending itself to capitalists? The study of literature, afraid for its prestige? Let the SEC grovel before the MLA! I am being somewhat precious, I know. But adversity is always a clarification: it refines the sense of what matters.

In tough times, of all times, the worth of the humanities needs no justifying. The reason is that it will take many kinds of sustenance to help people through these troubles. Many people will now have to fall back more on inner resources than on outer ones. They are in need of loans, but they are also in need of meanings. The external world is no longer a source of strength. The temper of one's existence will therefore be significantly determined by one's attitude toward circumstance, its cruelties and its caprices. Poor people and hounded people have always known this, but now the middle class is getting its schooling in stoicism. After all, bourgeois life was devised as an insulation against physical and social vulnerabilities, as a system of protections and privileges secured honestly by work; but the insulation is ripping and the protections are vanishing. We are in need of fiscal policy *and* spiritual policy. And spiritually speaking, literature is a bailout, and so is art, and philosophy, and history, and the rest. These are assets in which we may all hold majority ownership; assets of which we cannot be stripped, except by ourselves. I do not mean to be too sentimental about the humanities as they are conducted in the American academy: just yesterday there arrived from the press of a distinguished university the galleys of a book called *Unlimited Intimacy: Reflections on the Subculture of Barebacking*, written by the director of a humanities center at another university. That is not what Erich Auerbach had in mind. Still, what ails the humanities is not as egregious as the assault on them. Regression analysis will not get us through the long night. We need to know more about the human heart than the study of consumer behavior can teach. These are the hours when the old Penguin paperbacks must stand us in good stead. It was for now that we read them then. Barack Obama owes some of his popularity to the impression that he read them, too; that he is trained in the arts of reflection; that amid the wreckage he can maintain his inwardness and think.

But some humanists appear to believe the rumor about their own superfluity. The *Times* brought word of a new movement to justify the liberal arts on utilitarian grounds. It does not intend only that the cultivation of souls is a larger good, a collaborative preparation against the worst. It means also that scholarship and sensibility must be proven as a social and economic benefit. "The Association of American Colleges and Universities recently issued a report arguing the humanities should abandon the 'old Ivory Tower view of liberal education' and instead emphasize its practical and economic value." Now there, as a friend of mine once said, is a conference-building measure! There, too, is a bad idea, a craven concession. Catullus, or Job, will never be as useful as bioengineering. A discovery about van Eyck or Schubert or Emerson or Bresson will never be awarded a patent or a bonus. And the cost/benefit analysis of humanistic instruction will inevitably disfigure it. Here is an example of what the teaching of literature from the slant of expedience looks like, a reading of the opening sentence of *Anna Karenina*—"All happy families are alike; each unhappy family is unhappy in its own way"—with an interest in what works: "By that sentence, Tolstoy meant that, in order to be happy, a marriage must succeed in many different respects: sexual attraction, agreement about money, child discipline, religion, in-laws, and other vital issues. Failure in any one of those essential respects can doom a marriage even if it has all the other ingredients needed for happiness." I take this dull and dulling commentary from *Guns, Germs, and Steel* by Jared Diamond, one of those books that explains everything. Of course, Tolstoy means no such thing. The force of his observation is not social scientific. It proposes that unhappiness is more interesting than happiness, and establishes its claim upon our attention. It suggests that unhappiness is not just the lack of happiness, an Augustinian absence, but its own state of being, autonomous and elaborate and piercing and obscure. It is, in sum, a useless observation, in the way that wisdom is useless. What is so frightful about the possibility of wisdom? It comes in too many varieties to be oppressive. And why would anyone wish to refuse it, like credit, when it is most needed? To deny the fortifying power of the humanities in dark days is indecent. For policymakers, all unhappy families are alike; but we are entering an era in America in which each unhappy family will be unhappy in its own way.

Leon Wieseltier

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Jerusalem (II)

Should the U.S. Embassy be moved to the capital of Israel?

In a previous clarifying message we showed that before the Six-Day War in 1967, the claim that Jerusalem was a Muslim/Arab city had seldom been asserted and that such claim had come about only in modern times. The status of Jerusalem continues to be of great importance. The Arabs clamorously insist that at least the eastern part of the city should be yielded to them. The Israelis insist that Jerusalem continue as the indivisible capital of their country.

What are the facts?

Jerusalem – reunited and indivisible. Ever since the creation of the State of Israel in 1948, all American governments and Congress have confirmed their conviction that Jerusalem is the capital of Israel and that, once reunited, it should remain indivisible.

Before the Six-Day War in 1967 the city was divided, the Jordanians having occupied the eastern part since the War of Liberation in 1948. During their 19-year reign, all Jewish residents were driven out and all Jewish places of worship closed or destroyed. The various Christian denominations operated under the strict control of Muslim authorities.

All this ended in 1967 with the liberation of all of Jerusalem by the Israel Defense Forces and with the reunification of the city. Access to all holy places became available to all. The many religious bodies in the holy city (and in all of Israel) are able to pursue their activities without any restrictions. Jerusalem is today truly a free and open city. Just as the whole world rejoiced when the ugly wall dividing Berlin was torn down, so do we rejoice that the wall, the barbed wire and the machine gun emplacements dividing the city were finally torn down.

U.S. Embassy not in Israel's capital. While the Palestinians lay claim to the eastern part of Jerusalem and wish it to become the capital of a hoped-for Palestinian state, nobody, not even the Arabs, questions the western part of the city to be Israeli. It is remarkable therefore that, despite this universal recognition, the United States has steadfastly insisted on placing and keeping its embassy in Tel Aviv, the major commercial city, instead of in Jerusalem, Israel's capital and the seat of the Knesset (parliament), the Supreme Court, and of all government offices. It is as if a government accredited to the United States were to insist on keeping its embassy in, say, New York, rather than in Washington D.C.

With the U.S. in the lead, all other countries have also located their embassies in Tel Aviv. It is a bizarre situation. All ambassadors and their staffs must make almost daily trips to Jerusalem because no government business is conducted in Tel Aviv. Our country maintains diplomatic relations with over 150 countries. In all of them, the U.S. Embassy is located in the respective nation's designated capital. The only exception is Israel where, so far, our government has insisted on locating its embassy in a city other than the capital.

> "The status of Jerusalem goes to the heart of the Arab-Israeli conflict. To deny the status of Jerusalem as the capital of Israel questions the legitimacy of the state."

Congress in favor of moving embassy to Jerusalem. Leaders of Congress – both Republicans and Democrats – have passed legislation by which the U.S. Embassy would have to be moved to Jerusalem. That legislation has been endorsed by 93 Senators. The President, however, may delay the transfer to Jerusalem if he deems that the national interest demands it. The U.S. has a lease on a 10-acre lot in Talpiot, a totally Jewish neighborhood in West Jerusalem. It is to be hoped, therefore that before too long, reality will prevail and that the U.S. Embassy will indeed be located in Jerusalem – the capital of one of its closest allies.

Prior to their election, both Presidents Bush and President Clinton assured the public that the U.S. Embassy would be moved to Jerusalem. But in the end, they blocked such action. We must hope that President Obama will, at long last, fulfill this wish of Congress, which is therefore also the wish of the American people, and that he will order that the U.S. Embassy be moved to Jerusalem.

The main reason given for not moving the U.S. Embassy to Jerusalem is that it would violate "Arab sensitivities." That might indeed be the case. But while there would be some posturing, none of the Arab states could afford to do much else. Egypt would certainly not refuse its yearly multi-billion dollar subsidy from Washington. King Abdullah of Jordan would not jeopardize the political and financial lifeline that the U.S. has extended to him. Saudi Arabia would make some perfunctory noises, but that would be just about all. The status of Jerusalem goes to the heart of the Arab-Israeli conflict. To deny the status of Jerusalem as the capital of Israel questions the legitimacy of the state. The move of the U.S. Embassy to Jerusalem will signal once and for all that there will be no U.S. or world support for the division of Jerusalem and for the establishment – in any part of it – as the capital of a new Arab state.

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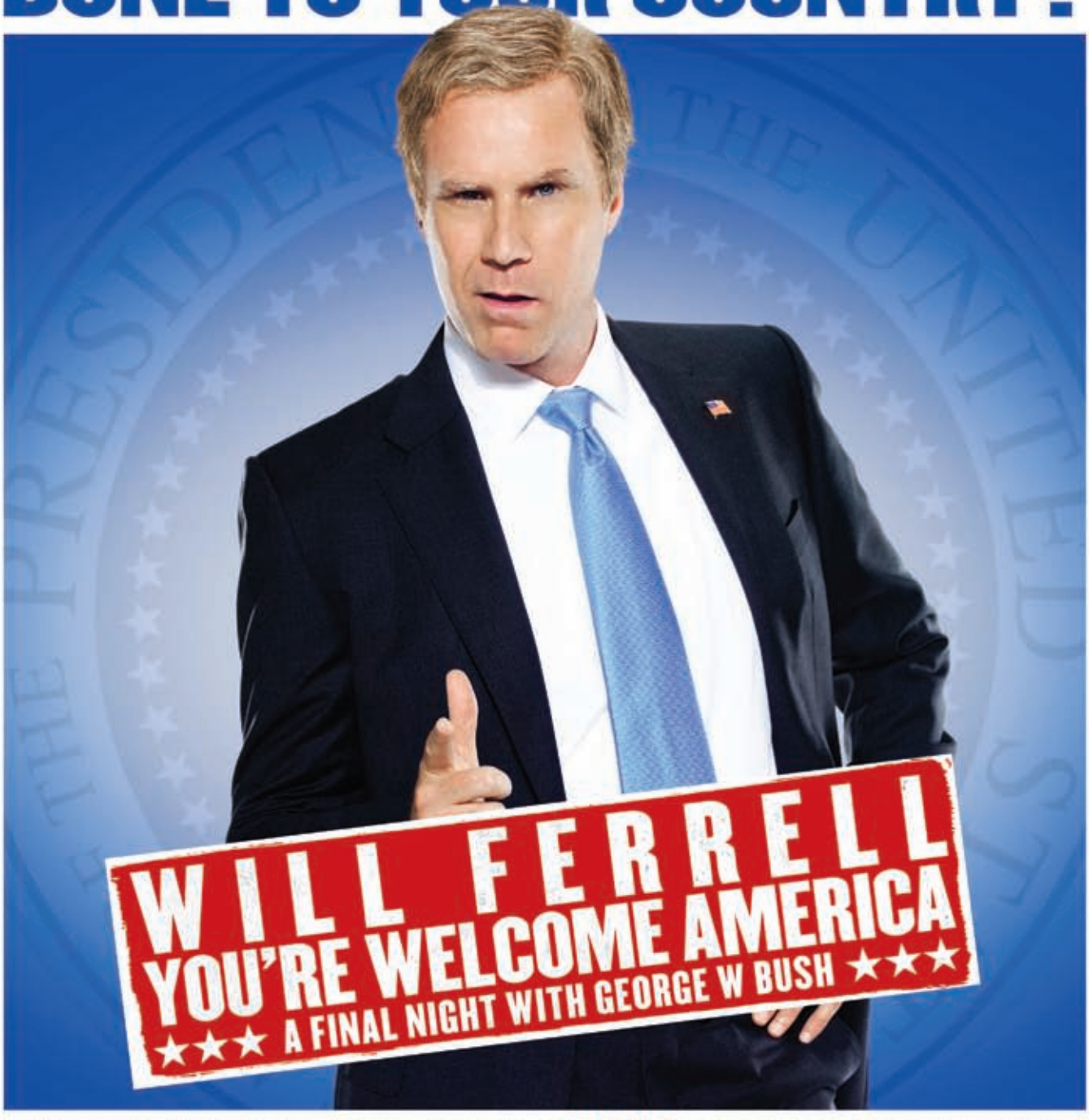

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